



EUROPEAN COMMISSION
COMPETITION DG

Directorate R
Unit R.2 COMP-MEETINGS

OPINION

of the **ADVISORY COMMITTEE on MERGERS**

at its meeting on **14 FEBRUARY 2022**

CONCERNING A **DECISION IN CASE M.10078 – CARGOTEC/KONECRANES**

MEETING BY AUDIO CONFERENCE – via “Skype for Business”

Rapporteur: Hungary

(Text with EEA relevance)

Operation

1. The Advisory Committee (11 Member States) agree with the Commission that the Transaction constitutes a concentration within the meaning of Article 3(1)(a) of the Merger Regulation.

Union Dimension

2. The Advisory Committee (11 Member States) agree with the Commission that the Transaction has a Union dimension pursuant to Article 1(2) of the Merger Regulation.

Product Markets

3. The Advisory Committee (11 Member States) agree with the Commission’s definitions of the relevant product markets in this case and in particular:
 - 3.1. **Rubber-tired gantry cranes (RTGs) and automated stacking cranes (ASCs)** constitute separate product markets;
 - 3.2. **Straddle carriers, shuttle carriers, terminal tractors and automated guided vehicles (AGVs)** constitute separate product markets;
 - 3.3. **Reach stackers, empty container handlers and heavy-duty forklift trucks (>10 tonne capacity)** constitute separate product markets;
 - 3.4. **Mobile equipment spreaders and other equipment spreaders (including crane spreaders)** constitute separate product markets.

Geographic markets

4. The Advisory Committee (11 Member States) agree with the Commission's definitions of the relevant geographic markets in this case and in particular:
 - 4.1. RTGs and ASCs markets are **EEA-wide** in scope;
 - 4.2. The precise geographic market definition of straddle carriers and shuttle carriers **can be left open**;
 - 4.3. Reach stackers, empty container handlers and heavy-duty forklift trucks (>10 tonne capacity) markets are **EEA-wide** in scope;
 - 4.4. Mobile equipment spreaders markets are **EEA-wide** in scope.

Competitive Assessment

5. The Advisory Committee (11 Member States) agree with the Commission's assessment that the Transaction **would significantly impede effective competition as a result of creation of a dominant position** with regard to the production and supply of:
 - 5.1. RTGs;
 - 5.2. Straddle carriers and shuttle carriers; and
 - 5.3. Reach stackers and heavy-duty forklift trucks (>10 tonne capacity).
6. The Advisory Committee (11 Member States) agree with the Commission's assessment that the Transaction **would significantly impede effective competition by eliminating important competitive constraints** with regard to the production and supply of empty container handlers and heavy-duty forklift trucks (>10 tonne capacity).
7. The Advisory Committee (11 Member States) agree with the Commission's assessment that the Transaction **would significantly impede effective competition as a result of vertical effects (customer foreclosure)** in the mobile equipment spreader market.
8. The Advisory Committee (11 Member States) agree with the Commission's assessment that the Transaction **would not significantly impede effective competition**, with regard to the production and supply of:
 - 8.1. ASCs;
 - 8.2. Terminal tractors and AGVs; and
 - 8.3. Crane spreaders.

Commitments

9. The Advisory Committee (11 Member States) agree with the Commission that **the KAS Commitments of 6 January 2022** with the addendum of 20 January 2022 address the competition concerns in relation to the production and supply of:
 - 9.1. RTGs and
 - 9.2. Straddle and shuttle carriers.

10. The Advisory Committee (11 Member States) agree with the Commission that **the MEQ Commitments of 6 January 2022** address the competition concerns in relation to the production and supply of:
 - 10.1. Reach stackers;
 - 10.2. Empty container handlers;
 - 10.3. Heavy-duty forklift trucks (>10 tonne capacity); and
 - 10.4. Mobile equipment spreaders.
11. The Advisory Committee (11 Member States) agree with the Commission that, subject to full compliance with the KAS and MEQ Commitments, the Transaction would not significantly impede effective competition in the internal market or a substantial part of it.

Compatibility with the Internal Market

12. The Advisory Committee (11 Member States) agree with the Commission that the Transaction should therefore be declared compatible with the internal market and the EEA Agreement in accordance with Articles 2(2) and 8(2) of the Merger Regulation and Article 57 of the EEA Agreement.