



EUROPEAN COMMISSION
DG Competition

***Case M.11178 - ASTARA / NISSAN AUSTRIA /
NISSAN POLAND***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 13/07/2023

***In electronic form on the EUR-Lex website under
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EUROPEAN COMMISSION

Brussels, 13.7.2023
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PUBLIC VERSION

Astara Mobility, S.L.
Avenida de Bruselas no32
28108, Alcobendas-Madrid
Spain

**Subject: Case M.11178 - ASTARA / NISSAN AUSTRIA / NISSAN POLAND
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 21 June 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which Astara Mobility, S.L. ('Astara', Spain) jointly controlled by Bergé y Compañía S.A. (Spain), and Mitsubishi Corporation (Japan) will acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control over the whole of the undertaking Nissan Poland (Poland), ultimately solely controlled by Nissan Motor Co. Ltd ('Nissan', Japan) by way of purchase of assets.³ Astara previously acquired sole control of Nissan Austria (Austria) in February 2022, formerly ultimately solely controlled by Nissan. Both acquisitions constitute one single concentration within the meaning of Article 5(2), second sub-paragraph, of the Merger Regulation as they take place between the same undertakings within a two-year period.
2. The business activities of the undertakings concerned are the following:
 - Astara is active in the import, wholesale and retail distribution of vehicles from several brands, the sale of spare parts, as well as the provision of after-sales, financing and other services in multiple European countries, in Latin America and in the Philippines,
 - Nissan Austria and Nissan Poland distribute Nissan branded vehicles, spare parts, and accessories in Austria and in Poland.

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 234, 3.7.2023, p. 4.

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 139/2004.⁴
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.