



EUROPEAN COMMISSION
DG Competition

***Case M.11237 - PSA / DUISPORT /
HUPAC / HTS / DGT***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 30/11/2023

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PUBLIC VERSION

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4200 EA Gorinchem,
The Netherlands

PSA Belgium Holdings BV
Napelsstraat 79
2000 Antwerp
Belgium

**Subject: Case M.11237 – PSA / DUISPORT / HUPAC / HTS / DGT
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 7 November 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which Duisburger Hafen AG (“Duisport”, Germany), ultimately controlled by Beteiligungsverwaltungsgesellschaft des Landes NRW mbH (“BVG”, Germany), Hupac SA (“Hupac”, Switzerland), H.T.S. Intermodaal B.V. (“H.T.S.”, the Netherlands), controlled by H.T.S. Krimpen Beheer B.V. (the Netherlands) and PSA Belgium Holdings BV (“PSA”, Belgium), controlled by PSA International Pte. Ltd.

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’).

(“PSA International”, Singapore) will acquire, within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation, joint control over the whole of the Duisburg Gateway Terminal GmbH (“DGT”, Germany), currently controlled by Duisport, Hupac and H.T.S. by way of purchase of shares.³

2. The business activities of the undertakings concerned are the following:
 - Duisport is the owner and management company of the port of Duisburg and offers services associated with, *inter alia*, the operation of inland ports and logistics. It operates in Germany and worldwide through its subsidiaries;
 - Hupac is an intermodal network operator and provides intermodal land freight transport, focusing on rail services in Europe and Asia,
 - H.T.S. is an intermodal service provider that provides inland container transport and services. It is active in Germany, Belgium and the Netherlands,
 - PSA is a holding company in Belgium within the PSA International group. PSA International is a global operator of port terminals,
 - DGT will operate a trimodal rail/ship/road container terminal at the inland port of Duisburg in Germany, which is still under construction and not active yet.
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) and (d) of the Commission Notice on a simplified treatment for 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

³ Publication in the Official Journal of the European Union, OJ C, C/2023/904, 13.11.2023.

⁴ OJ C 160, 5.5.2023, p. 1–10.