



EUROPEAN COMMISSION
DG Competition

***Case M.11384 - MERCEDES-BENZ
GROUP / BMW / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 23/01/2024

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EUROPEAN COMMISSION

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PUBLIC VERSION

Mercedes-Benz Group China Ltd.
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No. 1 Building, No. 8 Yard,
Wangjing Street, Chaoyang District,
People's Republic of China

BMW Brilliance Automotive Ltd.
No. 14 Shanzuizi Street,
Dadong District, Shenyang,
People's Republic of China

**Subject: Case M.11384 – MERCEDES-BENZ GROUP / BMW / 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 19 December 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which Mercedes-Benz Group China Ltd. ('MBGC', People's Republic of China), controlled by Mercedes-Benz Group AG (Germany) and BMW Brilliance Automotive Ltd. ('BBA', People's Republic of China) controlled by Bayerische Motoren Werke AG (Germany) will acquire, within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control of a newly created company constituting a joint venture.³ The concentration is accomplished by way of joint acquisition of registered capital in the newly created company.
2. The business activities of the undertakings concerned are the following:
 - MBGC is active in the manufacturing and sale of passenger cars and vans, as well as in the provision of financial services, mobility services, spare parts, and operates research and development centers,

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, OJ C, C/2024/781, 11.1.2024.

- BBA’s business operations include research and development, procurement, production, sales, and after-sales services of automobiles in China.
3. The business activities of the JV will be the following: Developing and operating a public charging infrastructure network for battery-powered cars in China.
 4. 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(a) of the Commission Notice on a simplified treatment for certain concentrations under Council Regulation (EC) No 139/2004.⁴
 5. 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 160, 5.5.2023, p. 1–10.