EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

Subject: **Case M.9647 – GHT MOBILITY / STADTWERKE DÜSSELDORF / CLEVERSHUTTLE DÜSSELDORF**
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004[1] and Article 57 of the Agreement on the European Economic Area[2]

Dear Sir or Madam,

1. On 7 February 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings GHT Mobility GmbH ('GHT', Germany), ultimately controlled by Deutsche Bahn AG (Germany) and Stadtwerke Düsseldorf AG ('SWD', Germany), ultimately controlled by EnBW Baden-Württemberg AG (Germany) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of the undertaking CleverShuttle Düsseldorf GmbH ('CS Düsseldorf', Germany) by way of purchase of shares.[3] CS Düsseldorf provides ride pooling services in the city of Düsseldorf and is currently solely controlled by GHT.

2. The business activities of the undertakings concerned are:

   – for GHT: development, marketing and implementation of IT-optimised mobility concepts including IT-optimised passenger transport services with rental cars. Controlled by Deutsche Bahn AG, a provider of railway infrastructure in Germany, passenger transport in the EU and freight forwarding and logistics worldwide.

   – for SWD: supply of electricity, gas, water and district heating, waste management, natural gas vehicles, electro mobility, energy-related services and public lighting in the area of Düsseldorf. Controlled by EnBW Energie Baden-

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 51, 14.02.2020, p. 43.

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Württemberg AG, which is active in generation and wholesale of electricity and provision of energy supply services in the EEA.

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(a) 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.