Prior notification of a concentration

(Case M.9768 – OLF/Trenitalia/ILSA)

Candidate case for simplified procedure

(Text with EEA relevance)

(2020/C 46/12)

1. On 4 February 2020, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]).

This notification concerns the following undertakings:

— Trenitalia S.p.A. ('Trenitalia', Italy); owned by Ferrovie dello Stato Italiane S.p.A.;

— Operador Ferroviario de Levante, S.L. ('OFL', Spain), belonging to the Befemar Group;

— Intermodalidad de Levante, S.A. ('ILSA', Spain).

Trentialia and OFL acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of ILSA.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— for Trenitalia: an Italian railway company active in long distance and local passenger transport and international passenger transport;

— for OFL: a Spanish company that is dedicated mainly to the provision of asset management activities and services related to passenger transport;

— for ILSA: a Spanish company which will be dedicated to the privision of all types of passenger railway transport services in the context of the liberalisation of the railway sector in Spain and in the rest of the European Union.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004 ([2]) it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.9768 – OLF/Trenitalia/ILSA

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal address:

European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
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([1]) OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').
([2]) OJ C 366, 14.12.2013, p. 5.