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PUBLIC VERSION

Bayerische Motoren Werke
Aktiengesellschaft
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80809 Munich
Germany

Daimler AG
Mercedesstraße 120
70372 Stuttgart
Germany

BP Europa SE
Überseeallee 1
20457 Hamburg
Germany

Subject: **Case M.10334 — BMW/Daimler/BP/Digital Charging Solutions**
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 27 August 2021, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Bayerische Motoren Werke Aktiengesellschaft ("BMW", Germany), Daimler AG ("Daimler", Germany), and BP Europa SE (Germany) belonging to the bp group (together with its group companies, "bp", UK), acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Digital Charging Solutions GmbH, which operates CHARGE NOW (Germany; together with its subsidiary, the "JV") by way of purchase of shares.[3]

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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 358, 7.9.2021, p. 15-16.

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2. The business activities of the undertakings concerned are:

- for BMW: With the trademarks BMW, MINI, Rolls Royce and BMW Motorrad, BMW is one of the most successful manufacturers of passenger cars and motorcycles active worldwide, as well as a provider of premium services in the field of individual mobility. Passenger cars include plug-in hybrid vehicles and battery-electric vehicles,

- for Daimler: Daimler is active globally in the development, manufacturing and distribution of automotive products, primarily passenger cars, trucks, vans and buses. Within the Daimler group, Mercedes-Benz AG is responsible for the global business of Mercedes-Benz Cars and Mercedes-Benz Vans and focuses on the development, production and sales of passenger cars (including plug-in hybrid vehicles and battery-electric vehicles), vans and services. Daimler Truck AG comprises the production and sale of commercial vehicles. Daimler Mobility AG focuses on financial and mobility solutions. Services range from rental, leasing, and financing offers to innovative fleet services, insurance, e-Payment platforms and investments in app-based mobility solutions such as car sharing, Mobility-as-a-Service (MaaS) and ride-hailing,

- for bp: BP Europa SE is a subsidiary within the bp group. The bp group, whose ultimate parent company is BP p.l.c. (UK), is an integrated energy company with operations in Europe, North and South America, Australasia, Asia and Africa. The bp group's activities focus on four business areas: (i) production and operations of hydrocarbons (oil and gas); (ii) customers and products (which is growing bp's convenience and mobility offering for customers); (iii) gas and low carbon energy (including renewables and integrated gas); and (iv) innovation and engineering for driving digital transformation,

- for JV: The JV operates under the brand name CHARGE NOW and is active in the development, marketing and the distribution of products and services in the field of mobility, offering information services and access technology to charging infrastructure for battery-electric and plug-inhybrid vehicles. It is further active in the distribution and purchase of electricity at charging points for battery-electric and plug-in hybrid vehicles, and services for the operation of charging stations for battery-electric and plug-in hybrid vehicles. The JV is asset-light and enables the back-end digital integration of e-mobility assets, predominately for white label products (B2B2C) for OEMs and fleet customers. The JV is primarily active 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(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.[4]

4 OJ C 366, 14.12.2013, p. 5.

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