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PUBLIC VERSION

In the published version of this decision, some information has been omitted pursuant to Article 17(2) of Council Regulation (EC) No 139/2004 concerning non-disclosure of business secrets and other confidential information. The omissions are shown thus […]. Where possible the information omitted has been replaced by ranges of figures or a general description.

To the notifying party

Subject: **Case M.9483 – Engie/Powerlines**
Commission decision pursuant to Article 6(1)(b) of Council Regulation No 139/2004[1] and Article 57 of the Agreement on the European Economic Area[2]

Dear Sir or Madam,

(1) On 16 August 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Engie S.A. ("Engie", France) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control over Powerlines Group GmbH ("Powerlines", Austria) by way of purchase of shares (the "Transaction").[3] Engie is designated hereinafter as the "Notifying Party". Engie and Powerlines are referred to hereinafter as "the Parties".

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 285, 23.8.2019, p. 3.

Commission européenne, DG COMP MERGER REGISTRY, 1049 Bruxelles, BELGIQUE
Europese Commissie, DG COMP MERGER REGISTRY, 1049 Brussel, BELGIË

Tel: +32 229-91111. Fax: +32 229-64301. E-mail: COMP-MERGER-REGISTRY@ec.europa.eu.

1. THE PARTIES

(2) The acquirer Engie is an industrial company active in the fields of gas, electricity and energy services. In particular, through its subsidiaries Ineo and Fabricom, Engie is active in the installation and maintenance of railway contact lines (catenary and overhead lines) in France, Italy, Luxembourg and Belgium. Engie is also active in power supply and power transmission.

(3) The target Powerlines is active in the areas of rail electrification and energy transmission. More specifically, Powerlines offers engineering, planning, development, assembly, installation, consulting and maintenance services for rail infrastructure, such as mainline, mass transit, trams, trolleybuses, and subway systems. In addition, the company manufactures and distributes certain catenary equipment. Geographically, Powerlines is active in rail electrification and overhead line solutions mainly in the United Kingdom, Germany and Austria, and to a lesser extent in Belgium, Sweden, Poland, the Netherlands, Norway, Finland, Slovakia, Slovenia and Switzerland. Powerlines is active in the installation of power transmission and distribution lines in Germany and Austria.

2. THE OPERATION AND THE CONCENTRATION

(4) Pursuant to a share sale and purchase agreement signed on 24 July 2019, Engie will acquire shares representing 100% of the total voting rights of Powerlines and will have sole control over Powerlines (for a purchase price of approximately […]). The Transaction therefore constitutes a concentration within the meaning of Article 3(1)(b) of the Merger Regulation.

3. EU DIMENSION

(5) The undertakings concerned have a combined aggregate worldwide turnover of more than EUR 5 000 million[4]. Each of them has an EU-wide turnover in excess of EUR 250 million, but they do not achieve more than two-thirds of their aggregate EU-wide turnover within one and the same Member State. The notified operation therefore has an EU dimension.

4. COMPETITIVE ASSESSMENT

4.1. Introduction

(6) The Parties are active in rail electrification and in power transmission but they operate in different geographies, with the exception of rail electrification in Belgium. Further, Powerlines is active in the manufacture and distribution of catenary equipment, an input for the installation and maintenance of railway contact lines in which Engie is active.

4 Turnover calculated in accordance with Article 5 of the Merger Regulation.

(7) Specifically, the activities of the Parties overlap in the installation and maintenance of catenary and overhead contact lines in Belgium. The Parties' combined position in Belgium also gives rise to a vertically affected relation associating the manufacture and distribution of catenary equipment (upstream), on the one hand, and the installation and maintenance of railway contact lines (downstream), on the other hand.

4.2. Market definitions

4.2.1. Downstream market(s): Installation and maintenance of catenaries and overhead contact lines

(8) In terms of product market definition, the Commission has identified in previous decisions a market for railway contact line engineering, which includes the installation and maintenance of catenary and overhead lines, as well as of third rail system.[5] A segmentation of this market by system (catenary and overhead contact lines v. third rail) and by customer (train v. tramway) was considered, but the market definition was ultimately left open. The Commission has also distinguished the installation and the maintenance of these contact lines from the manufacture of catenary equipment.[6]

(9) The Parties consider that there is a single market for the installation and maintenance of catenary and overhead contact lines, which does not warrant any segmentation.[7]

(10) The Commission's market investigation confirmed the existence of an overall product market for the installation and maintenance of catenaries and overhead contact lines, including third rail systems, which is separate from the market for the manufacture and distribution of catenary equipment (see para (11) to (13)).

(11) First, the market investigation revealed that the installation and maintenance of catenary and overhead contact lines, on the one hand, and the installation and maintenance of third rail systems, on the other hand, are in the same product market. A majority of both customers and competitors who expressed an opinion stated that installers of catenary and overhead contact lines are also able to install third rail, and vice versa.[8] While several market participants explained that the installation of overhead contact lines is more complex and difficult than the installation of third rail systems and requires special equipment, according to market participants, most of providers are able to do both.[9]

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5 See cases M.5701- Vinci/CEGELEC, paras. 36 – 39, and M.3653 – Siemens/VA Tech, para. 165.

6 See case M.5701- Vinci/CEGELEC, paras. 36 - 39. The French Competition Authority has also considered this distinction in Eurovia/Vossloh (C2008-84).

7 Form CO, para. 44 ff.

8 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 4.1; replies to eQ2 to Competitors, Question 6.1.

9 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 4.1.1 and Replies to eQ2 to Competitors, Question 6.1.1. A competitor stated in this regard: "*Both systems need civil work expertise. Although overhead contact lines are more complex and difficult to install than*

(12) Second, the market investigation revealed that the electrification of long-distance railways and of metropolitan and tramways fall within the same product market. A clear majority of both customers and competitors who expressed an opinion indicated that installers of long-distance railways are able to install metropolitan and tramways, and vice versa.[10] While several market participants explained that the electrification of long-distance railways is more complex and difficult than the electrification of metropolitan and tramways and requires special equipment, they also stated that the majority of providers are able to do both[11].

(13) Third, the outcome of the market investigation confirmed that the distinction between the manufacture of catenary equipment and its components, on the one hand, and the installation and maintenance of catenary and overhead contact lines, on the other hand, remains appropriate. A clear majority of market participants who expressed an opinion indicated that these markets are still separate nowadays.[12] Several market participants observed that a growing number of companies are active in both the manufacture and the installation of catenary and overhead contact lines, which gives them an economical advantage because of reduced interface risks and synergies in management, leading to reduced unit costs for customers. Likewise, some market participants reported that some clients do require for certain projects that the contractor both delivers and installs the equipment. However, most market participants still consider that the overall skills, equipment and market players differ to such a degree that the manufacture of catenary equipment and its installation constitute separate markets.[13]

(14) In any event, the Commission considers that, for the purposes of this Decision, the precise scope of the relevant product market for the installation and maintenance of catenaries and overhead contact lines can ultimately be left open since the

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3rd rail systems because of cable routing, poles and its foundations/equipment, installers can usually perform the installation of both systems."

10 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 4.2 and replies to eQ2 to Competitors, Question 6.2.

11 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 4.2.1 and Replies to eQ2 to Competitors, Question 6.2.1. A competitor noted in this regard: "*The main difference regarding long and short distance railways is the amount of equipment to be installed. The technology or installation requirements/skills are rather similar. Most major installers can therefore install long-distance railways and metropolitan and tramways*" (reply to Q2 to Competitors, Question 6.2.1.). A customer stated: "*Whilst the overall system parameters alter slightly, the base equipment construct at component level for long-distance railways is largely comparable with that of metro or tramway systems*" (reply to Customers of Railway Contact Lines and Catenary Equipment, Question 4.2.1.).

12 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 5 and replies to eQ2 to Competitors, Question 7.

13 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 5.1 and Replies to eQ2 to Competitors, Question 7.1. A competitor noted in this regard: "*Manufacturing is a method that involves transforming raw material or material overall into a consumable product after being engineered whilst installation or maintenance consists of using skilled or trained people to install the products. Therefore, the level or type of skills between manufacturing and installation/maintenance are different. The competitors active on the market for manufacturing catenary equipment are also largely different than those active on the market for installation of such equipment*" (reply to eQ2 to Competitors, Question 7.1).

Transaction does not give rise to serious doubts about its compatibility with the internal market irrespective of whether the relevant product market includes train, tramways and/or third rail systems.

4.2.2. Geographic market(s): Installation and maintenance of catenaries and overhead contact lines

(15) In past cases, the Commission has considered the market for the installation and maintenance of railway contact lines to be national in scope because the regulations governing railway contact lines tend to be adopted at national level and because these regulations differ from one Member State/party to the EEA Agreement to the other. [14]

(16) The Parties are also of the opinion that the geographic market for the installation and maintenance of catenaries and overhead contact lines is national in scope.[15]

(17) The market investigation revealed diverging views among market participants and was therefore not conclusive in this regard.[16] Certain market participants consider that that the geographic scope of the supply of installation services is evolving and tends to become cross-border, potentially EEA-wide in scope. However, a number of elements still point in the direction of a national geographic dimension as cross-border activities still appear to remain very limited in practice. An overwhelming majority of customers who expressed an opinion replied that they had never commissioned or selected a supplier of installation and maintenance services for catenaries and overhead contact lines that did not have an established physical presence in the country.[17] Individual replies provided by customers indicate that reasons for this preference for domestic suppliers are language barriers, risk premiums, as well as additional costs for the accommodation and travel of workers.[18] Moreover, all of the competitors who expressed an opinion consider that at least a consortium or partnership with a company that has a physical presence in the country where the relevant project takes place, is required.[19]

(18) Nonetheless, the outcome of the market investigation suggests that harmonisation of standards and regulations within the EEA are blurring and dissolving the borders of

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14 See cases M.3653 – Siemens/ VA Tech, para. 17 and M.5701- Vinci/CEGELEC, paras. 44.

15 Form CO, para. 63.

16 Asked whether the national scope found in precedents was still valid, the market investigation showed diverging views. While a majority of competitors who took a clear position responded affirmatively, a majority of customers who expressed an opinion said this definition was no longer valid (see replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 6 and replies to eQ2 to Competitors, Question 8). Similarly, while a clear majority of competitors who expressed an opinion indicated that national regulations, technical standards and/or certification processes for the installation of catenaries and overhead contact lines are very different across the EEA, a majority of customers said this was not the case (see replies to Q1 to Customers of Railway Contact Lines and Catenary Equipment, Question 7 and replies to eQ2 to Competitors, Question 9).

17 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 8

18 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 9.1.

19 Replies to eQ2 to Competitors, Question 10.

previously national geographic markets. A majority of both customers and competitors who expressed an opinion indicated that they were willing to consider cross-border installation services.[20] Some competitors also indicated that they would consider setting up physical presences in new countries if this is economical in view of the size of particular projects.[21]

(19) In any event, the Commission considers that, for the purposes of this Decision, the precise scope of the relevant geographic market for the installation and maintenance of catenaries and overhead contact lines can ultimately be left open since the Transaction does not give rise to serious doubts about its compatibility with the internal market irrespective of whether the relevant geographic market is defined as national, supra-regional or EEA-wide in scope.

4.2.3. Upstream market: Manufacture of catenaries and its components

4.2.3.1. Product market

(20) The outcome of the market investigation confirmed that the manufacture and distribution of catenary equipment is separate from the installation and maintenance of catenaries and overhead contact lines (see above recital (13)). The Parties agree with that definition and consider that any further sub-segmentation is not warranted, for example between train and tramway equipment.[22]

(21) In any event, the precise market definition, including a possible segmentation between train and tramway equipment, can be left open for the purposes of this Decision as the proposed transaction does not give rise to serious doubts as to its compatibility with the internal market under any alternative plausible product market definition for the manufacture and distribution of catenary equipment (e.g. overall product market or, alternatively, separate product markets for the train and tramway segments).

4.2.3.2. Geographic market

(22) There is no Commission precedent regarding the geographic dimension of the market for the manufacture of catenary equipment. In the single case where the Commission concluded that this activity belonged to a separate service market from that of the installation of contact lines, there were no horizontal overlaps or vertical relations involving the manufacturing of catenary equipment and therefore there was no need to assess the impact of the transaction in question on this market. [23]

(23) The Parties consider the market for the manufacture and supply of catenary equipment to be national in scope.[24]

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20 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 9 and replies to eQ2 to Competitors, Question 11.

21 Replies to eQ2 to Competitors, Question 11.1.

22 Form CO, para. 52.

23 See case M.5701- Vinci/CEGELEC, paras. 34 ff.

24 Form CO, para. 64.

(24) Views expressed by market participants over the course of the market investigation diverge and the results of the market investigation are overall inconclusive.

(25) Even more so than for the provision of installation and maintenance services for catenary and overhead contact lines, the results of the market investigation suggest that the relevant geographic market for the manufacture and supply of catenary equipment is widening.[25] A majority of customers and half of the competitors who expressed an opinion indicated that national regulations, technical standards and/or certification processes are not very different across the EEA,[26] suggesting that regulatory differences have declined in recent years. Overall, market participants indicated that the geographic market might be wider than the one for installation services since the shipment of equipment is not constrained by travel and accommodation costs for the workforce and language barriers, at least to the degree it still constrains installation services. Smaller equipment appears to be particularly easy to ship cross-border.[27] Moreover, a clear majority of market participants who expressed an opinion indicated that no physical presence is needed in the country of the project for which the equipment is ordered.[28]

(26) However, individual replies provided by several market participants indicate that customers still have a preference for domestic suppliers due to, e.g., language barriers, costs and lasting albeit limited differences in applicable regulatory standards.[29]

(27) Ultimately, the definition of the relevant geographic market for the manufacture and distribution of catenary equipment may be left open for the purposes of this Decision since no serious doubt arises irrespective of whether the relevant geographic market is defined as national, supra-regional, EEA-wide or worldwide in scope.

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25 Asked for the size of the geographic market for the manufacture and supply of catenary equipment, customers and competitors disagreed. A majority of customers who took a position consider the geographic scope to be EEA-wide, while competitors were split between a national and a worldwide market, see replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 10 and replies to eQ2 to Competitors, Question 12.

26 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 11 and replies to eQ2 to Competitors, Question 13.

27 One customer noted in this regard: "[…] *Many components are small enough to be shipped from other countries. Some single source components where the company owns the IPR are only manufactured abroad*" (reply to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 12.1.) A competitor said: "*Most manufacturers supply on a worldwide basis. While transport costs of some of the equipment such as the poles and its foundation is is moderate to high, other catenary equipment is normally small and easily transportable. It is therefore not required to have a local presence in a specific country to supply catenary equipment*" (reply to eQ2 to Competitors, Question 14.1.).

28 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 12 and replies to Q 2 to Competitors, Question 14.

29 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 12.1 and replies to eQ2 to Competitors, Question 14.1.

4.3. Competitive assessment

4.3.1. Horizontal overlaps in the installation and maintenance of catenary and overhead contact lines

(28) The Parties' activities in the installation and maintenance of catenary and overhead contact lines overlap at EEA level but their combined EEA-wide market share remains modest at around [10-20]%, thus not resulting in an affected market.[30] Likewise, no affected market arises at EEA level if limited to the installation and maintenance of catenary and overhead contact lines for either train or tramways. Moreover, the Parties are not active in the installation and maintenance of third rail systems.

(29) At national level, the proposed transaction would give rise to a single horizontally affected market for the installation and maintenance of catenary and overhead contact lines in Belgium, where Powerlines is only active in the tramway segment. In fact, the Parties activities do not overlap in any other Member State or party to the EEA Agreement, except Norway […].[31] However, the combined market share of the Parties in Norway remains limited, at approximately [10-20]%.

(30) For the sake of completeness, a slight majority of market participants who expressed an opinion indicated that the Parties might be potential competitors in the United Kingdom, France, the Netherlands, Luxembourg, and Sweden.[32] However, the market share of the Party currently active in the United Kingdom, France and the Netherlands remains below 30%, irrespective of the product segmentation.[33] In Luxemburg, the market share of Engie's Ineo is around [40-50]% for train and tramways combined, and [90-100]% for tramways.[34] However, the relatively limited size of the relevant market segments in Luxemburg means that market shares may vary significantly depending on the award of each particular tender. Moreover, a number of strong competitors active in the train segment in Luxemburg are also active in the tramway segment in neighbouring countries. For example, Colas Rail with a [40-50]% market share in the train segment in Luxemburg also has a 30-40% market share in the tramway segment in France and is active in that segment in Belgium as well.[35] Similarly, TSO with a [20-30]% market share in the train segment in Luxemburg is a strong player in the tramway segment in France with a [20-30]% market share.[36] Moreover, the Eqos Energie group that is based in Luxembourg holds a very strong market position in the tramway segment in

30 Form CO, para. 97.

31 Form CO, para. 93 ff. and reply to RFI 5, question 1 on 13 August 2019.

32 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 24 and 25 and replies to eQ2 to Competitors, Question 20 and 21.

33 In France Engie through INEO has an approximately [20-30]% market share (see Form CO para. 158 table 4). In Sweden and the UK Powerlines has a market share below 30%, (see reply to RFI N°9 of 18 September 2019).

34 Form CO, para. 159 table 6.

35 Form CO, para 158 table 4.

36 Form CO, para. 159 table 6.

Belgium, of almost [60-70]%.[37] Thus, combined with the lack of language barriers and the anticipated increase in cross-border supply (see above paragraphs (17) to (18)), effective competition from strong suppliers active in neighbouring countries will remain in Luxemburg irrespective of the proposed concentration. Furthermore, market participants did not raise specific concerns in relation to Luxembourg over the course of the market investigation.

4.3.1.1. Assessment of the horizontally affected market

(31) The market investigation revealed that the sourcing of installation and maintenance services for catenary and overhead contact lines, including third rail system, takes place though tenders (i.e., these are "bidding markets"),[38] and that price is the key driver of competition[39].

(32) In Belgium, the proposed transaction would result in a combined market share of [20-30]%, with an increment below [0-5]% in an overall market for the installation and maintenance services for catenary and overhead contact lines. In the tramway segment where Powerlines is active, the combined market share would be around [30-40]% with an increment below [0-5]%. The Parties claim that these market shares are overestimated inasmuch as they do not take into account third rail system (for the Parties themselves do not install or maintain this type of system in Belgium).[40] These market shares were overall confirmed by market participants over the course of the market investigation.[41]

(33) Powerlines entered the Belgium market in 2017 and has since participated in the same tenders as Engie. The Parties claim however that they are not close competitors because Powerlines does not have the capabilities to bid for large projects, whereas Engie does. As apparent from the results of the Commission's investigation, market participants share the view that the Parties are not close competitors, including in Belgium.[42]

(34) The Parties also claim that they are facing effective competition in Belgium from seven other established market players, including two with a market share close to the Parties (Colas and Engema/Mobix). In the tramway segment, specifically, the Parties face competition from at least two other competitors, including Eqos with a much larger market share close to [60-70]%. Generally, the results of the market

37 Form CO, para. 156 table 3.

38 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 13 and replies to eQ2 to Competitors, Question 15.

39 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 15.

40 Form CO, para. 80, 81, 86 and 154.

41 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 18 and replies to eQ2 to Competitors, Question 16.

42 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 18, 21, 22, 23 and replies to eQ2 to Competitors, Question 16, 18.3, 18.4 and 19. One competitor stated in this regard: "*To [our] knowledge, Engie and Powerlines have never tendered against each other. They could however, be close competitors as they both have railway market experience and have tendered for the same scope of work*" (see reply to eQ2 to Competitors, Question 18.1).

investigation confirm that the supply conditions in Belgium are sufficiently competitive.[43]

(35) Moreover, the Parties claim that they will continue facing potential competition in Belgium.[44] The market investigation confirmed that new entries into the Belgian market(s) are possible even though the number of tenders is expected to be limited in the next three years.[45] The target itself entered Belgium only in 2017 and another company shared its interest in entering the Belgium market(s) in response to the market investigation.[46]

4.3.1.2. Conclusion on horizontal overlaps

(36) In view of the considerations summarised in recitals (31) to (35), the Commission concludes that the proposed transaction does not give rise to serious doubts about its compatibility with the internal market as a result of possible horizontal effects in the installation and maintenance of catenary and overhead contact lines.

4.3.2. Vertical relations between Powerlines' activities in the manufacture of catenaries and related components

(37) While Engie is only active in the installation and maintenance of catenary and overhead contact lines, Powerlines also manufactures and distributes catenaries and associated components and is as such active in a product market upstream of the electrification services.

(38) On a single product market combining installation and maintenance for trains and tramways, the proposed transaction would not lead to vertically affected markets, irrespective of the geographic market definition.[47] If one were to consider a distinct market for the installation and maintenance of catenary and overhead lines for tramways, the proposed transaction would result in a vertically affected market in Belgium. However, in Belgium, Powerlines' upstream market share is limited (approx. [5-10]%),[48] while Engie's downstream market share in the tramways segment is moderate (approx. [30-40]%).[49] Moreover, there are at least four other competitors active in the supply of catenary equipment in Belgium, including two with higher market shares than Powerlines (Siemens Mobility with approx. [60-70]% and Drugmand & Meert with approx. [10-20]%). In addition, since these are

43 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 18, 21, 22 and replies to eQ2 to Competitors, Question 16, 18.3, 18.4.

44 Form CO, para. 91.

45 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 26 and 27 and replies to eQ2 to Competitors, Question 23.1.

46 Replies to eQ1 to Customers of Railway Contact Lines and Catenary Equipment, Question 26 and 27 and replies to eQ2 to Competitors, Question 22 and 23.

47 See Form CO, para 118 to 125.

48 Form CO, para. 121 and 171.

49 Form CO, para. 156.

bidding markets (see recital (31)), the Commission considers that the incentives to stop supplying a competitor downstream are weak as the opportunity to recover the loss on the downstream market is not guaranteed, whereas by supplying a competitor the vertically integrated company which lost the bid might still (indirectly) benefit from that lost bid. Hence, the likelihood that the Parties might engage in an input foreclosure strategy appears remote.

(39) Similarly, engaging in a customer foreclosure strategy also appears unlikely. There are several other installers in Belgium and given that these are bidding markets the likelihood appears limited that the merged entity would benefit from higher price levels in the upstream market as result of their upstream rivals being foreclosed. Furthermore, the outcome of the market investigation has revealed that the impact of any foreclosure strategy on customers of Powerlines and suppliers to Engie would be limited in any event.[50]

(40) For the sake of completeness, no vertically affected market arises in Luxembourg, as Powerlines has not been active in the manufacture and supply of catenary equipment and its components in Luxembourg over at least the last five years.[51]

4.3.2.1. Conclusion on vertical effects

(41) In view of the considerations summarised in recitals (37) to (38), the Commission concludes that the proposed transaction does not give rise to serious doubts as to its compatibility with the internal market or the functioning of the EEA agreement as a result of the vertical relation arising between Powerlines' activities in the manufacture and distribution of catenary equipment, on the one hand, and the Parties' activities in the installation and maintenance of catenary and overhead contact lines, on the other hand, irrespective of the geographic market definition.

5. CONCLUSION

(42) For the above reasons, 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)
Margrethe VESTAGER
Member of the Commission

50 Replies to eQ2 to Competitors, Question 24, 24.1, 24.2, 25, 25.1 and 25.2.

51 Form CO, para. 118 and 119 and the Parties' reply to RFI 10 of 19 September 2019.