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PUBLIC VERSION

Syndicat Mixte pour la Gestion des
Ports du Sud Alsace
8 rue du 17 Novembre
68100 Mulhouse
France

Caisse des Dépôts et Consignations
56, rue de Lille
75007 Paris
France

Swissterminal AG
Flachsackerstrasse 7
4402 Frenkendorf
Switzerland

Subject: **Case M.10270 – SMO PSA / CDC / SWISSTERMINAL / EURO RHEIN PORTS JV**
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 11 May 2021, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Syndicat Mixte pour la Gestion des Ports du Sud Alsace ("SMO PSA", France), Caisse des Dépôts et Consignations ("CDC", France), and Swissterminal AG ("Swissterminal", Switzerland), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over the whole of the Ports of Huningue-Village-Neuf, of Ottmarsheim and of Ile Napoléon ("Ports de Mulhouse-Rhin", France),

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').

through a newly created joint venture known as Euro Rhein Ports, France. The concentration is accomplished by way of a concession agreement.[3]

2. The business activities of the undertakings concerned are:

   – for SMO PSA: public establishment grouping French local authorities and public entities with authority over Ports de Mulhouse-Rhin,

   – for CDC: French special status public establishment active in public service and open-market business activities in support of the general interest and France's economic development,

   – for Swissterminal: provider of container handling services and freight services from terminals located in the Basel and Zürich area, Switzerland,

   – Euro Rhein Ports: operation of the Ports de Mulhouse-Rhin by means of a thirty-year delegation from SMO PSA.

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) and (c) 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

3 Publication in the Official Journal of the European Union No C 193, 20.5.2021, p. 8.

4 OJ C 366, 14.12.2013, p. 5.