EUROPEAN COMMISSION

Brussels, 18.03.2020
C(2020) 1832 final

PUBLIC VERSION

To the notifying parties

Subject: **Case M.9789 – CMA CGM / CMP / TERMINAL LINK**
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 25 February 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings CMA CGM S.A. ("CMA CGM", France) and China Merchants Port Holdings Company Limited ("CMP", Hong Kong SAR), acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of the undertakings CMA CGM Port Terminals (France) and Terminal Link Holding Pte. Ltd (Singapore) (together the "Terminal assets") to be contributed to Terminal Link S.A.S. (France), which is a pre-existing joint-venture jointly controlled by CMA CGM and CMP. The concentration is accomplished by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for CMA CGM: a global player active in container liner shipping, port terminal services, freight forwarding and contract logistics services worldwide,

   – for CMP: a global port developer, investor and operator, operating container terminals located mainly in China, as well as South Asia, Africa, the Americas, Oceania and Europe,

   – for the Terminal assets: shareholdings in various terminals located in China, Vietnam, Thailand, Singapore, Jamaica, Ukraine, Iraq, India and the Netherlands.

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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 72, 05.03.2020, p. 10.

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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.