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PUBLIC VERSION

Pon Holding Germany GmbH
SiemensstraBe 1-3
49661 Cloppenburg
Germany

Timm Moll
Cimbernstrasse 25a
D-40545 Diisseldorf
Germany

Subject: **Case M.10579 – PON HOLDING / AUTOHAUS ADELBERT MOLL / FLEXXDRIVE**
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 2 May 2022, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Pon Holding Germany GmbH ("Pon Holding", Germany), belonging to the Pon group, and Mr. Timm Moll (Germany) will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over Pon Luxury Cars GmbH ("PLC", Germany), controlled by Pon Holding, Autohaus Adelbert Moll GmbH & Co. KG ("Autohaus Moll", Germany), controlled by Mr. Timm Moll, and FlexxDrive GmbH ("FlexxDrive", Germany), controlled by Mr. Timm Moll by way of purchase of shares.[3]

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 193, 12.5.2022, p. 19.

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2. The business activities of the undertakings concerned are the following:

— Pon group operates in a wide range of markets, from passenger and commercial vehicles and bicycles to road construction and earthmoving machines, generators and total solutions for the shipping industry,

— Mr Timm Moll is a natural person residing in Düsseldorf, Germany. His business activities focus on the automotive sector and are concentrated in Autohaus Moll and FlexxDrive,

— PLC is a luxury car dealer, based in Cologne, Germany,

— Autohaus Moll is a car dealer of multiple brands based in and around Düsseldorf and Hannover, Germany,

— FlexxDrive is a company active in the short-term car rental business in Germany.

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. 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.