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PUBLIC VERSION

Hupac SA
Viale R. Manzoni 6
CH-6830 – Chiasso
Switzerland

Kombiverkehr Deutsche Gesellschaft für kombinierten Güterverkehr mbH & Co. KG
Zum Laurenburger Hof 76
60594 – Frankfurt/Main
Germany

Subject: **Case M.10054 – KOMBIVERKEHR / HUPAC / DX INTERMODAL 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 23 September 2021, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Hupac SA ("Hupac", Switzerland) and Kombiverkehr Deutsche Gesellschaft für kombinierten Güterverkehr GmbH & Co. KG ("Kombiverkehr", Germany), jointly controlled by Deutsche Bahn AG and a group of forwarders and transporters, acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of DX Intermodal JV ("DX Intermodal", Germany).[3] The concentration is accomplished by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

   – for Hupac: operator of multimodal freight trains network between the major European economic areas, as well as Russia and the Far East,

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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 400, 4.10.2021, p.6.

– for Kombiverkehr: intermodal operator of a Europe-wide network for rail-road combined transport,

– for DX Intermodal: data hub for integrated, end-to-end real-time transmission of transport-related data and information for users of intermodal transport services in Europe.

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.