EUROPEAN COMMISSION

Brussels, 25.11.2020
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PUBLIC VERSION

To the notifying party

Subject: **Case M.9996 – TRENITALIA / NETINERA DEUTSCHLAND**
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 3 November 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Trenitalia S.p.A. ('Trenitalia', Italy) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of Netinera Deutschland GmbH ('Netinera', Germany),), by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for Trenitalia: active in the field of rail passenger transport and related services in Italy and other European countries, mainly France, UK and Greece. It is wholly owned by Ferrovie dello Stato Italiane S.p.A. which is itself 100% owned by the Italian Ministry of Economy and Finance,

   – for Netinera: operates regional rail and bus passenger services mainly in Germany (and, to a lesser extent, in the Czech Republic) on the basis of public service contracts awarded mainly by the German Public Transport Authorities. It is currently jointly controlled by Trenitalia and Cube Transport Sàrl, an investment fund incorporated in Luxembourg specialised in infrastructure and public services.

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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 380, 11.11.2020, 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(d) 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.