

# Netzwerk Privatbahnen

Netzwerk Privatbahnen · Krumme Strasse 86 · D-10585 Berlin

European Commission  
FAO Ms Neelie Kroes  
Commissioner responsible for Competition Policy  
Directorate-General for Competition  
B-1049 Brussels

## Imminent sale of VTG AG, Hamburg

Dear Ms Kroes,

Europe's largest company for rail tank car hire, VTG AG, is up for sale. It is with great concern that *Netzwerk Privatbahnen e.V.*, the federation of new entrants in rail freight transport in Germany and other countries, has become aware of the fact that, according to reliable sources, Deutsche Bahn AG is to be given preference in the ongoing sale process. The state-owned company is now apparently setting out to ensure that the national competition authorities confirm to the seller that DB AG's acquisition of VTG AG will not have any antitrust consequences.

*Netzwerk Privatbahnen e.V.* believes that selling VTG to the Deutsche Bahn group would put our member companies at a major disadvantage and could cause them to end up losing access to large segments of their core markets. Moreover, the sale would also represent an irreversible setback for the hard-won liberalisation of the European railway sector. Indeed, by taking a huge step back towards a monopoly in the rail transport sector, European industry and the economy as a whole would find themselves at a disadvantage that would prove hard to endure when it came to purchasing rail transport services.

In view of this situation, we decided to inform you of this matter in good time. The lawyers we asked to examine the matter in hand reached the clear conclusion that a merger between VTG AG and Deutsche Bahn AG is inadmissible under competition law. We enclose the lawyers' report for you to use as you see fit.

We respectfully ask you to take account of the facts we have amassed in the informal talks that are apparently due to take place shortly, and in any subsequent merger control procedure that may prove necessary. You may rest assured that *Netzwerk Privatbahnen e.V.* will not hesitate to make its voice heard in any formal European Commission procedure and act in the interests of its members using every available means if the sale of VTG AG to Deutsche Bahn does actually go ahead.

Contact person

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Both our lawyers and ourselves would of course be happy to answer any questions you might have.

Yours sincerely,

Raimund Stür

Encl.: 1 report