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**Changes to legislation:** *There are currently no known outstanding effects for the Commission Decision of 16 March 2007 establishing that Article 30(1) of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors applies to certain courier and parcel services in Denmark (notified under document number C(2007) 840) (Only the Danish text is authentic) (Text with EEA relevance) (2007/169/EC). (See end of Document for details)*

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- Article 1 Directive 2004/17/EC shall not apply to contracts awarded by contracting...
- Article 2 This Decision is based on the legal and factual situation...
- Article 3 This Decision is addressed to the Kingdom of Denmark.
- Signature

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- (1) OJ L 134, 30.4.2004, p. 1. Directive as last amended by Council Directive 2006/97/EC (OJ L 363, 20.12.2006, p. 107).
- (2) OJ L 15, 21.1.1998, p. 14. Directive last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).
- (3) Commission Decision of 2 December 1991 declaring a concentration to be compatible with the common market (Case No IV/M.102 — TNT/CANADA POST, DBP POSTDIENST, LA POSTE, PTT POST & SWEDEN POST) according to Council Regulation (EEC) No 4064/89: points 19 et seq.; Commission Decision of 8 November 1996 declaring a concentration to be compatible with the common market (Case No IV/M.843 — PTT Post/TNT/GD Express Worldwide) according to Council Regulation (EEC) No 4064/89, points 10 et seq.; Commission Decision of 1 July 1999 declaring a concentration to be compatible with the common market (Case No IV/M.1513 — DEUTSCHE POST/DANZAS/NEDLLOYD) according to Council Regulation (EEC) No 4064/89 points 8 et seq.; Commission Decision of 20 March 2001 relating to a proceeding under Article 82 of the EC Treaty (Case COMP/35 141 — Deutsche Post AG): point 26 et seq.; Commission Decision of 21 October 2002 declaring a concentration to be compatible with the common market (Case No IV/M.2908 — DEUTSCHE POST/DHL (II)) according to Council Regulation (EEC) No 4064/89: point 10 et seq.
- (4) On the market for international courier and express services in 2005.
- (5) 2005 market for domestic parcel services BtB (from and to Denmark).
- (6) In 2005, Post Danmark's market share in terms of turnover was 16-19 % for domestic courier and express services and 35-40 % in terms of turnover for domestic BtB parcel services.
- (7) In 2005, the aggregate market shares of the two largest competitors on the market for domestic parcel services BtB amounted to 36-44 % in terms of turnover, whereas their combined market share, also in terms of turnover, was 23-29 % on the market for domestic courier and express services.
- (8) E.g. on the market for domestic light goods/pallet goods, where Post Danmark has a market share in terms of turnover of 3-5 %, whereas the aggregate share of the two biggest operators amount to 69-83 % in terms of turnover. The difference is even more marked on the market for international courier and express services, where Post Danmark's share in terms of turnover was up to 1 % in 2005, when the aggregate share of the two largest actors on that market, also in terms of turnover, amounted to 65-80 %.
- (9) The services concerned are described as Business to Business (BtB) parcel services, domestic and international; light goods/pallet goods, domestic and international; as well as courier and express services, domestic and international.

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