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***Case No COMP/M.6559 - EUROCHEM TRADING GMBH/
K+S NITROGEN***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 25/06/2012

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EUROPEAN COMMISSION

Brussels, 25.6.2012
C(2012) 4412 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party:

Dear Madam(s) and/or Sir(s),

**Subject: Case No COMP/M.6559 - EUROCHEM TRADING GMBH/ K+S NITROGEN
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 21 May 2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking EuroChem Trading GmbH ("EuroChem Trading", Germany), belonging to the group OJSC - Mineral and Chemical Company EuroChem ("EuroChem", Russia), acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the following undertakings (together, "K+S Nitrogen"), controlled by K+S AG ("K+S", Germany), K+S Nitrogen GmbH (Germany), fertiva GmbH (Germany), K+S GÜBRE VE ENDÜSTRİ ÜRÜNLERİ SAN.VE TEC. LTD. STI (Turkey), K plus S Iberia S.L. (Spain), K+S Agricoltura S.p.A. (Italy), K+S Hellas S.A. (Greece), K+S Agro México S.A. de C.V. (Mexico) and K+S Interservicios S.A. de C.V. (Mexico) by way of purchase of shares and acquire(s) within the meaning of Article 3(1)(b) of the Merger Regulation control of parts of the following undertakings, controlled by K+S : K+S Nitrogen France SAS (France), Shenzhen K+S Trading Co. Ltd. (China), K+S Asia Pacific Pte. Ltd. (Singapore) and K+S AG (Germany) by way of purchase of assets, the acquired undertakings

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.

and assets together constituting K+S's current activities in the sale of nitrogen fertilisers (the "Proposed Transaction").

2. The business activities of the undertakings concerned are:
 - EuroChem is active in the mining of minerals, coal and the manufacture and sale of mineral fertilisers,
 - K+S Nitrogen sells straight nitrogen and NPK fertilizers of independent companies, historically primarily manufactured by BASF in Antwerp².
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 139/2004³.
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.

For the Commission
(signed)
Alexander ITALIANER
Director General

² Publication in the Official Journal of the European Union No C 152, 30.5.2012, p. 26.

³ OJ C 56, 5.3.2005, p. 32.