

***Case No COMP/M.3932 -
THYSSENKRUPP /
HELLENIC SHIPYARDS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 10/11/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.11.2005

SG-Greffe(2005) D/206088

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

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

**Subject: COMP/M.3932 - ThyssenKrupp/ Hellenic Shipyards
Notification of 03/10/2005 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C 253, dated 13.10.2005, page 3.**

1. On 03.10.2005, the Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) of Council Regulation (EC) No 139/2004 by which the undertaking ThyssenKrupp AG ("TK", Germany) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the Greek company Hellenic Shipyards S.A. ("HSY"), hitherto jointly controlled by TK and MAN Ferrostaal AG ("Ferrostaal") by way of purchase of shares.

¹ OJ L 24, 29.1.2004 p. 1

The business activities of the undertakings concerned are:

- for undertaking TK: production of steel, capital goods including civil shipbuilding (passenger ships, container ships, river cruisers, motor yachts) and military shipbuilding (naval surface vessels and submarines), and maintenance and repairs of such ships.
 - for undertaking HSY: ship building and repair, and production of industrial constructions.
2. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No. 139/2004 and of paragraph 5, subparagraph (d) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004².
 3. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EC) No. 139/2004.

For the Commission,
(signed)
Neelie KROES
Member of the Commission

² OJ C 56, 05.3.2005 p.32