

***Case No COMP/M.5073 -
SCHOLZ / TTC / GMPL /
JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 31/03/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31/03/2008

SG-Greffe(2008) D/201450/201451/201452

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties

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

Subject: Case No COMP/M.5073 – Scholz / TTC / GMPL / JV
Notification of 20.02.2008 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No.C54 on 27 February 2008, page 43

1. On 20.02.2008, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Scholz AG ("Scholz", Germany) and Toyota Tsusho Corporation ("TTC", Japan) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Green Metals Poland ("GMPL", Poland) by way of purchase of shares in a newly created company constituting a joint venture.
2. The business activities of the undertakings concerned are:
 - for Scholz: trading and processing of ferrous and non-ferrous scrap and steel;
 - for TTC: logistics services for the automotive industry, and trading of metals, machinery, chemicals and other products,
 - for GMPL: collection and processing of metal and non-metal waste and scrap.

¹ OJ L 24, 29.1.2004 p. 1

3. 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, subparagraphs a and c, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004².
4. 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
Philip LOWE
Director General

² OJ C 56, 05.3.2005 p.32