

***Case No COMP/M.5205 -
DUFERCO / MITSUI /
NIPPON DENKO / SAJV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 21/08/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21/08/2008

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PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party:

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

**Subject: Case No COMP/M.5205 – Duferco/ Mitsui/ Nippon Denko/ SAJV
Notification of 23.07.2008 pursuant to Article 4 of Council Regulation (EC) No.
139/2004¹
Publication in the Official Journal of the European Union No. C 196 of
02.08.2008, page 13.**

1. On 23 July 2008, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Duferco Investment Partners Inc. (Liechtenstein), belonging to the group Duferco Participation Holding Limited ("Duferco") acquires within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking South Africa Japan Vanadium (proprietary) Limited ("SAJV", South Africa) by way of purchase of shares. SAJV will be jointly controlled by Duferco together with Mitsui & Co. Ltd. ("Mitsui", Japan) and Nippon Denko Co. Ltd. ("Nippon Denko", Japan), currently also shareholders of SAJV.
2. The business activities of the undertakings concerned are:
 - for undertaking Duferco: production and trading of steel as well as trading of raw materials needed for the production of steel.

¹ OJ L 24, 29.1.2004, p. 1.

- for undertaking Mitsui: active in a broad range of industries such as mineral and metal resources, machinery, infrastructure projects, chemical, energy, food and retail, IT or logistics.
 - for undertaking Nippon Denko: active in a broad range of industries such as ferroalloys, chemical, new materials or environmental recycling systems.
 - for undertaking SAJV: production of ferrovanadium.
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(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.