

***Case No COMP/M.5955 -
METINVEST BV/ IISW***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 15/09/2010

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EUROPEAN COMMISSION

Brussels, 15.09.2010
SG-Greffe(2010) D/13897
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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.5955 - METINVEST BV/ IISW
Notification of 11.08.2010 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 224,
19/08/2010, p.7**

1. On 11/08/2010 the European Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which Metinvest BV ("Metinvest", the Netherlands), controlled by SCM holding ("SCM", Ukraine) and Energiees Investment Limited ("Energiees", Cyprus/Ukraine) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of CJSC Ilyich Steel and OSC Ilyich Iron and Steel Works (both referred to as "IISW", Ukraine), by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Metinvest: active at all stages of the steel production and trading chain;
 - for SCM: a privately owned conglomerate, active inter alia in mining, metallurgy, energy, real estate and finance;

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.

- for Energiees: a privately owned conglomerate whose main activities focus on mining and metallurgy;
 - for IISW: active in the production and sale of semi-finished and flat steel products.
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 139/2004².
 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 European Commission,
(signed by Nadia Calvino, Deputy Director
General, p.p.) Alexander ITALIANER
Director General

² OJ C 56, 5.3.2005, p. 32.