

***Case No COMP/M.6501 - SCHOLZ AUSTRIA/ ASAMER
FAMILIENHOLDING/ RPE RECYCLINGPARK EISENERZ***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 02/05/2012

***In electronic form on the EUR-Lex website under document
number 32012M6501***



EUROPEAN COMMISSION

Brussels, 2.5.2012
C(2012) 3063 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party:

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

**Subject: Case No COMP/M.6501 - SCHOLZ AUSTRIA/ ASAMER
FAMILIENHOLDING/ RPE RECYCLINGPARK EISENERZ
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 26.03.2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Scholz Austria GmbH ("Scholz Austria", Austria), ultimately controlled by Scholz AG and Voestalpine AG, and Asamer Familienholding GmbH ("Asamer", Austria) indirectly acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking RPE Recyclingpark Eisenerz GmbH & Co KG ("RPE", Austria) by way of purchase of shares. RPE is currently solely controlled by Asamer.²
2. The business activities of the undertakings concerned are:
 - for Scholz Austria: active in recycling and trading of recyclable products such as steel, metal scrap, industrial waste and other materials;

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.

² Publication in the Official Journal of the European Union No C 099,03.04.2012, p.11

- for Asamer : active in gravel, rocks, concrete, cement, recycling, innovation and tourism;
 - for RPE: operation of a mechanical waste treatment plant for different types of waste.
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(a) 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

³ OJ C 56, 5.3.2005, p. 32.