

EN

***Case No COMP/M.6716 - HANWHA/ Q-CELLS ASSETS***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 09/10/2012

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## EUROPEAN COMMISSION

Brussels, 9.10.2012  
C(2012) 7180

PUBLIC VERSION

SIMPLIFIED PROCEDURE

### **To the notifying party:**

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

**Subject: Case No COMP/M.6716 – Hanwha/ Q-Cells assets  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004<sup>1</sup>**

1. On 11 September 2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Hanwha Solar Germany GmbH (Germany) belonging to the Hanwha group (Korea) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of part of the undertaking Q-Cells SE (Germany) by way of purchase of shares and assets.

The business activities of the undertakings concerned are:

- for Hanwha: manufacturing, construction, chemicals, finance, services and leisure,
- for Q-Cells assets: development, production and sale of solar cells, modules and solar energy systems<sup>2</sup>.

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<sup>1</sup> 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.

<sup>2</sup> Publication in the Official Journal of the European Union No C 281, 18.9.2012, p. 6

2. 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)i and (c)ii of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>3</sup>.
3. 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*

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<sup>3</sup> OJ C 56, 5.3.2005, p. 32.