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***Case No COMP/M.7719 - BARLOWORLD HANDLING/
BAYWA/ JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 22/09/2015

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EUROPEAN COMMISSION

Brussels, 22.9.2015
C(2015) 6609 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties

Dear Sirs,

**Subject: Case M.7719 – BARLOWORLD HANDLING/ BAYWA/ JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

1. On 27 August 2015, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Barloworld Handling Limited (United Kingdom) and BayWa Aktien-gesellschaft (Germany) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a newly created company ("JVC") by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - For Barloworld Handling Limited: worldwide distribution of leading international brands and provision of integrated rental, fleet management, product support and logistics solutions for equipment and handling services (earthmoving, power systems, materials handling and agricultural equipment), and automotive services and logistics (car rental, fleet services, warehousing, etc.)

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 OJ L 1, 3.1.1994, p. 3 ("the EEA Agreement").

³ Publication in the Official Journal of the European Union No C 290, 4.9.2015, p. 11.

- For BayWa Aktien-gesellschaft: agriculture (seeds, fertilisers and crop protection as well as agricultural machinery equipment), building materials and energy
 - For JVC: agricultural mechanisation equipment (including tractors, implements, harvesters, crop sprayers and bales) in Zambia and, at a later stage, possibly other sub-Saharan jurisdictions.
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 139/2004.⁴
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 and Article 57 of the EEA Agreement.

*For the Commission
(Signed)*

*Johannes LAITENBERGER
Director-General*

⁴ OJ C 366, 14.12.2013, p. 5.