



EUROPEAN COMMISSION  
DG Competition

***Case M.7844 - ACEK /  
SUMITOMO / JV***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 26/01/2016

***In electronic form on the EUR-Lex website under document  
number 32016M7844***



## EUROPEAN COMMISSION

Brussels, 26.1.2016  
C(2016) 504 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

### **To the notifying parties:**

Dear Sirs,

**Subject: Case M.7844 - ACEK / SUMITOMO / JV  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)  
No 139/2004<sup>1</sup> and Article 57 of the Agreement on the European Economic Area<sup>2</sup>**

1. On 22 December 2015, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Dongguan Summit Metal Products Co., Ltd (China), belonging to the group headed by Sumitomo Corporation (Japan) and Gonvarri Corporación Financiera, S.L., (Spain) belonging to the group headed by Acek Desarrollo y Gestión Industrial, S.L. (Spain), acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Dongguan Gonvarri Summit Automotive Steel Processing Center Co., Ltd. (China), a newly created joint venture ('JV'), by way of purchase of shares in a newly created company constituting a joint venture.<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - for Sumitomo: group active in the supply of a broad range of products such as metal products including steel sheets, transportation and construction systems, environment

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

<sup>3</sup> Publication in the Official Journal of the European Union No C 001, 5.1.2016, p. 3.

and infrastructure, media, networks and life-style related goods and services, mineral resources, energy, chemicals and electronics;

- for Acek: group active in the operation of steel service centers, manufacture and supply of automotive components, metal components for wind turbines, and other activities in the alternative energies field;
  - for the JV: steel service center active in the People's Republic of China in the production and distribution of metal products, and in particular in the blanking of metal 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(a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.<sup>4</sup>
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*

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<sup>4</sup> OJ C 366, 14.12.2013, p. 5.