



EUROPEAN COMMISSION
DG Competition

***Case M.8048 - ARDAGH /
BALL REXAM
DIVESTMENT BUSINESS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 17/06/2016

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EUROPEAN COMMISSION

Brussels, 17.6.2016
C(2016) 3903 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party

Dear Sirs,

**Subject: Case M.8048 - ARDAGH / BALL REXAM DIVESTMENT BUSINESS
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 18 May 2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Ardagh Group S.A. ("Ardagh", Luxembourg) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of assets divested by Ball Corporation to obtain regulatory approvals for its acquisition of Rexam PLC (the "Ball/Rexam Divestment Business"), by way of purchase of shares and assets.³

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 186, 25.05.2016, p. 14.

2. The business activities of the undertakings concerned are:
 - for Ardagh: production of rigid packaging solutions for the food, beverage, and consumer products industries.
 - for the Ball/Rexam Divestment Business: manufacturing of beverage cans. In the EEA, the Ball/Rexam Divestment Business consists of eight Ball beverage can manufacturing plants, two Ball end plants, two Rexam beverage can manufacturing plants and certain support and innovation facilities in Germany and the UK. The Ball/Rexam Divestment Business also includes assets outside the EEA, notably in the US and Brazil.
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(b) 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.