



EUROPEAN COMMISSION
DG Competition

***Case M.8118 - OPENGATE CAPITAL / UMICORE ZINC
CHEMICALS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 31/08/2016

***In electronic form on the EUR-Lex website under document
number 32016M8118***



EUROPEAN COMMISSION

Brussels, 31.8.2016
C(2016) 5680 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the Notifying Party

Dear Sirs,

**Subject: Case M.8118 – OPENGATE CAPITAL / UMICORE ZINC CHEMICALS
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 5 August 2016, the European Commission received notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 by which the undertakings OpenGate Capital Partners I, LP and OpenGate Capital Partner I-A, LP (together “OpenGate Capital”, Cayman Islands) acquire within the meaning of Article 3(1)(b) of the Merger Regulation control of Umicore Zinc Chemicals Belgium NV/SA, Umicore Norway AS, Umicore Hunan Fuhong Zinc Chemicals Co. Ltd, Umicore Malaysia Sdn Bhd, Umicore Nederland B.V., Umicore Marketing Services USA Inc, Umicore Shanghai Co. (together "UZC") by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for OpenGate Capital: global private equity firm,
 - for UZC: activities in zinc oxides, fine zinc powders and fine zinc powders for battery 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 OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

³ Publication in the Official Journal of the European Union No C 298, 18.8.2016, p. 15.

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.