



EUROPEAN COMMISSION
DG Competition

***Case M.8204 -
BARLOWORLD SOUTH AFRICA / BAYWA / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 09/01/2017

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EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties:

**Subject: Case M.8204 - BARLOWORLD SOUTH AFRICA / 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**

Dear Sir or Madam,

1. On 8 December 2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Barloworld South Africa Proprietary Limited ('Barloworld', South Africa) and BayWa Aktiengesellschaft ('BayWa', Germany) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Barloworld's agricultural mechanization and materials handling business in South Africa by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for BayWa : trade in agricultural resources such as seeds, fertilisers and crop protection and agricultural machinery equipment. BayWa distributes agricultural equipment in Austria, Germany and the Netherlands. BayWa is also active in the building materials and energy sectors, such as renewable energy, in Austria and Germany;

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 467, 15.12.2016, p. 28.

- for Barloworld : distribution of leading international brands in equipment and handling services (earthmoving, power systems, materials handling and agricultural equipment) and in automotive services and logistics (car rental fleet services, warehousing, etc.);
 - The joint venture will incorporate Barloworld's South African agricultural mechanisation and materials handling business and will be jointly controlled by Barloworld and BayWa.
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.