



EUROPEAN COMMISSION
DG Competition

***Case M.8393 - THYSSENKRUPP TECHNOLOGIES /
THYSSENKRUPP / ATLAS ELEKTRONIK***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 22/03/2017

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EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying party

Subject: Case M.8393 - THYSSENKRUPP TECHNOLOGIES / THYSSENKRUPP / ATLAS ELEKTRONIK
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 15 February 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Thyssenkrupp Technologies Beteiligungen GmbH controlled by Thyssenkrupp AG, both of Germany, acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of Atlas Elektronik GmbH, of Germany, by way of a purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for Thyssenkrupp: the production and trading of materials (including steel), industrial goods and capital goods and the provision of engineering solutions for industrial processes and services. Thyssenkrupp, through its subsidiary Thyssenkrupp Marine Systems GmbH, is active in the production of submarines and surface naval vessels.
 - for Atlas Elektronik: the naval systems sector, in particular sonar systems and combat management system solutions for submarines, surface combatants and

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 58, 23.02.2017, p.28.

mine counter vessels, as well as naval weapons. In addition, Atlas Elektronik produces naval communication systems

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(d) 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.