



EUROPEAN COMMISSION
DG Competition

***Case M.8426 - LINDE /
PJSC POWER MACHINES
/ JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 10/05/2017

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EUROPEAN COMMISSION

Brussels, 10.5.2017
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PUBLIC VERSION

To the notifying parties

**Subject: Case M.8426 - LINDE / PJSC POWER MACHINES / 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 7 April 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Linde AG (Germany) and PJSC Power Machines (Russia) acquire within the meaning of Article 3(4) of the Merger Regulation joint control of a joint venture company, currently named Linde Power Machines LLC (Russia) by way of purchase of shares in a newly created company constituting a joint venture.³
2. The business activities of the undertakings concerned are:
 - for Linde AG: Linde AG is an international gas and technology group active in industrial gases, medical gases, equipment, engineering and services sectors. It is composed of two main business divisions, the gases division and engineering division, and a smaller logistics services division.

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 122, 19.04.2017, p.19.

- for PJSC Power Machines: PJSC Power Machines is a Russia-based manufacturer of power generation equipment and other devices for power plants, in particular turbines and generators.
 - for Linde Power Machines LLC: Linde Power Machines LLC will be active in engineering, production and distribution of stainless steel heat exchange equipment for natural gas liquefaction units as well as provision of related services and spare parts and will be primarily active in Russia.
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.