



EUROPEAN COMMISSION
DG Competition

***Case M.8606 - ELG
HANIEL / IBERINOX / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION

Date: 12/03/2018

***In electronic form on the EUR-Lex website under document
number 32018M8606***



EUROPEAN COMMISSION

Brussels, 12.3.2018
C(2018) 1589 final

PUBLIC VERSION

To the Notifying Parties

**Subject: Case M.8606 – ELG HANIEL / IBERINOX / 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 16 February 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of the Merger Regulation by which the undertakings ELG Haniel GmbH ("ELG Haniel", Germany) and Iberinox 88 S.A. ("Iberinox", Spain), acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control over Sorpesante, S.L, ("the JV", Spain) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for ELG Haniel: is active in the worldwide trade of raw materials for the steel industry;
 - for Iberinox: is also active in the trade of raw materials for the steel industry, with its core business focused on stainless steel scrap;
 - for the JV: will be active in the trade in raw materials for the steel industry. To this end, it will take over Iberinox' business with the exception of the activities of its subsidiary Aleaciones e Inoxidables Acerec, S.A, which will continue its current business unaffected by the proposed concentration.

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 069, 23.2.2018, p. 23.

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(c) 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.