



EUROPEAN COMMISSION
DG Competition

***Case M.8903 - BHAP / GESTAMP CHINA /
MANUFACTURING JV / SALES JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 12/06/2018

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EUROPEAN COMMISSION

Brussels, 12.6.2018
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PUBLIC VERSION

To the notifying parties:

**Subject: Case M.8903 – BHAP / GESTAMP CHINA / MANUFACTURING JV / SALES 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 18 May 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Beijing Hainachuan Automotive Parts Co., Ltd ("BHAP") (China), ultimately controlled by Beijing Automotive Group Co., Ltd ("BAIC Group") (China), and Gestamp (China) Holding Co., Ltd ("Gestamp China"), ultimately controlled by Acek Desarrollo y Gestión Industrial, S.L. ("ACEK Group") (Spain), acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control over the whole of the undertakings Gestamp Auto Components Co., Ltd (the "Manufacturing JV") (China) and Gestamp Auto Components Sales Co., Ltd (the "Sales JV") (China) 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:
 - BHAP is a manufacturer of products such as automobile seats, interior and exterior of automobiles, automobile powertrain systems, automobile chassis systems, automobile body systems, automotive electronics and other series. BHAP is also a supplier of automotive components in China.
 - Gestamp China is a manufacturer and seller of automotive components, including flat steel components and mechanisms, and assemblies.

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 179, 25.5.2018, p. 9.

- The Manufacturing JV will manufacture flat steel automotive components including auto lightweight body parts, chassis, and other auto components in China.
 - The Sales JV will sell the automotive components and provide after-sales services, technical services, and consultation services to the automotive industry in China.
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.