



EUROPEAN COMMISSION

DG Competition

***Case M.11075 - EBERT HERA ESSER HOLDING /
SERVICECO***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION

Date: 03/05/2023

***In electronic form on the EUR-Lex website under
document number 32023M11075***



EUROPEAN COMMISSION

Brussels, 3.5.2023
C(2023) 3090 final

PUBLIC VERSION

EHE Dutch Holding B.V
Blinkertlaan 5
4371 PV Koudekerke
The Netherlands

**Subject: Case M.11075 – EBERT HERA ESSER HOLDING / SERVICECO
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 4 April 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which the undertaking EHE Dutch Holding B.V., a subsidiary of Ebert HERA Esser Holding GmbH ('Ebert HERA', Germany) will acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control over the whole of ServiceCo (the Netherlands), by way of purchase of shares.³
2. The business activities of the undertakings concerned are the following:
 - Ebert HERA provides blue collar brownfield industrial and mechanical contracting services for heavy industry such as chemical plants, pharmaceutical plants, petrochemical plants and refineries in the Benelux and Germany,
 - ServiceCo will provide Engineering, Procurement, Contracting and Maintenance services to existing chemical plants currently supplied by Sitech Manufacturing Services C.V., Sitech Services B.V. and its affiliated companies ('Sitech') on the Chemelot Campus park in Geleen, the Netherlands. ServiceCo will be the result of a prior restructuring of Sitech.

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 136, 19.4.2023, p. 10.

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)
Olivier GUERSENT
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.