



EUROPEAN COMMISSION  
DG Competition

***Case M.11070 - CHEMOURS / BWT  
FUMATECH MOBILITY / JV***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 08/05/2023

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EUROPEAN COMMISSION

Brussels, 8.5.2023  
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**PUBLIC VERSION**

The Chemours Company  
1007 N Market St  
DE 19801, Wilmington  
The United States of America

BWT Holding GmbH  
Walter-Simmer-Straße 4  
5310 Mondsee  
Austria

**Subject: Case M.11070 – CHEMOURS / BWT FUMATECH MOBILITY / JV Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004<sup>1</sup> and Article 57 of the Agreement on the European Economic Area<sup>2</sup>**

Dear Sir or Madam,

1. On 13 April 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which the undertakings The Chemours Company Inc. (“Chemours”, USA), and BWT FUMATECH Mobility GmbH, belonging to the Fumatech group (“Fumatech”, Austria), will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of a newly created joint venture (“JV”, Germany), by way of purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are the following:
  - Chemours produces and supplies performance chemicals that are inputs in end-products and processes in a variety of industries, including coatings, refrigeration and air conditioning, transportation, semiconductor and consumer electronics, general industrial, and oil and gas,

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<sup>1</sup> 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.

<sup>2</sup> OJ L 1, 3.1.1994, p. 3 (the ‘EEA Agreement’).

<sup>3</sup> Publication in the Official Journal of the European Union No C 141, 24.4.2023, p. 11.

- Fumatech is active in membrane manufacture and plant construction in the field of fuel cell and membrane technology for the treatment of water and process solutions.
- 3. The JV will be active in the development, production, and sale of hydrogen fuel cell membranes and humidifier membranes for fuel cell systems in the transportation sector.
- 4. 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.<sup>4</sup>
- 5. 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*

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<sup>4</sup> OJ C 366, 14.12.2013, p. 5.