



EUROPEAN COMMISSION
DG Competition

Case M.11114 - SWOCTEM / KLÖCKNER

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 22/09/2023

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EUROPEAN COMMISSION

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PUBLIC VERSION

SWOCTEM GmbH
Rudolf-Loh-Strasse 1
35708 Haiger
Germany

**Subject: Case M.11114 – SWOCTEM / KLÖCKNER
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 31 August 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which, SWOCTEM GmbH ('SWOCTEM', Germany), controlled by Prof. Dr.-Ing. E.h. Friedhelm Loh, intends to acquire, within the meaning of Article 3(1)(b) of the Merger Regulation, sole control over the whole of Klöckner & Co SE ('Klöckner', Germany). The concentration is to be accomplished by way of purchase of shares.³
2. The business activities of the undertakings concerned are the following:
 - SWOCTEM is a holding company solely owned and controlled by Prof. Dr.-Ing. E.h. Friedhelm Loh who also owns and controls the Friedhelm Loh Group. The Friedhelm Loh Group comprises a portfolio of companies active across a range of sectors, including among others Stahlo, an operator of steel service centers in Germany,
 - Klöckner is primarily active in the stockholding distribution of steel (including stainless steel), aluminium, plastic and other industrial products as well as operating steel service centres and oxy-cutting centres

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 317, 7.9.2023, p. 17.

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.