



EUROPEAN COMMISSION
DG Competition

***Case M.11348 - CONTEMPORARY AMPEREX
TECHNOLOGY / ANEKA TAMBANG / FENI HALTIM /
HPAL JOINT VENTURE***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 05/12/2023

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PUBLIC VERSION

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Subject: Case M.11348 - CONTEMPORARY AMPEREX TECHNOLOGY / ANEKA TAMBANG / FENI HALTIM / HPAL JOINT VENTURE 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 7 November 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which the undertakings Contemporary Amperex Technology Co. Limited through HongKong CBL Limited (collectively, ‘Contemporary Amperex Technology’, China), and PT Aneka Tambang Tbk (‘Aneka Tambang’, Indonesia), controlled by Mining Industry Indonesia, intend to acquire, within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation, joint control of PT Feni Haltim (‘Feni Haltim’, Indonesia), currently owned by Aneka Tambang, and a newly created company, HPAL Joint Venture (Indonesia).

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’).

2. The concentration is to be accomplished by way of purchase of shares, both in the existing joint venture (Feni Haltim) and in HPAL Joint Venture.³
3. The business activities of the undertakings concerned are:
 - Contemporary Amperex Technology is a battery manufacturer and technology company that specialises in the manufacturing of lithium-ion batteries for electric vehicles and energy storage systems, as well as battery management systems,
 - Aneka Tambang is active in mining of various types of minerals, as well as carrying out business in the sectors of industry, trade, transport and services relating to the mining of various types of minerals.
4. Feni Haltim is active in transport, shipment services and leasing of assets (e.g., heavy equipment, vehicles, buildings, land and terminals). After implementation of the proposed concentration, Feni Haltim will i) act as a smelter company in Indonesia; ii) be active in the production and sale of ferronickel, and iii) engage in industrial park business for various activities including smelters. HPAL Joint Venture is set up for the purposes of developing, constructing, operating and maintaining a hydrometallurgical plant to produce Mixed Hydroxide Precipitate containing at least 35% nickel and at least 1.5% cobalt for end-to-end battery manufacture.
5. 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
6. 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

³ Publication in the Official Journal of the European Union OJ C, C/2023/1011, 16.11.2023.

⁴ OJ C 366, 14.12.2013, p. 5.