

***Case No COMP/M.5405 -
HARGREAVES /
EVONIK / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 22/12/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.12.2008
SG-Greffe(2008) D/208586/208587/208588
C(2008) 8956

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties

Dear Madam(s) and/or Sir(s),

Subject: Case No COMP/M.5405 - HARGREAVES / EVONIK / JV
Notification of 20.11.2008 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 304,
27.11.2008, p.21

1. On 20.11.2008, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Evonik Power Minerals GmbH ("EPM GmbH", United Kingdom) belonging to the group Evonik Industries AG and Hargreaves Services Plc ("HS", United Kingdom) belonging to the Hargreaves Group, acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Evonik Hargreaves Ltd. (United Kingdom) by way of purchase of shares in a newly created company constituting a joint venture.

The business activities of the undertakings concerned are:

- for EPM GmbH: provision of services to coal fired power plants regarding the waste management and the marketing of coal combustion products,
- for HS: mineral import, waste management and transportation and mining in the UK.
- for Evonik Hargreaves: processing and provision of services relating to fly ash and the purchase and sale of fly and bottom ash.

¹ OJ L 24, 29.1.2004, p. 1.

2. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No 139/2004 and of paragraph 5(a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004².
3. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EC) No 139/2004.

For the Commission

(signed)
Philip LOWE
Director General

² OJ C 56, 05.3.2005, p. 32.