EUROPEAN COMMISSION

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PUBLIC VERSION

American Industrial Partners Capital Fund VII, LP
450 Lexington Avenue, 40th Floor
New York, NY 10533
United States

Subject: **Case M.10407 – AIP / ALVANCE DUNKERQUE TARGET BUSINESS**
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004[1] and Article 57 of the Agreement on the European Economic Area[2]

Dear Sir or Madam,

1. On 18 October 2021, the European Commission received notification of a concentration pursuant to Article 4 of the Merger Regulation by which American Industrial Partners Capital Fund VII, LP (US), an investment fund managed by American Industrial Partners (collectively referred to as 'AIP'), acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Alvance Aluminium Dunkerque SAS and Alvance Aluminium Service SAS (together, 'Alvance Dunkerque Target Business', France). The concentration is accomplished by way of purchase of shares. The same concentration was already notified to the Commission on 16 July 2021 and 26 July 2021, but the notification was subsequently withdrawn on 19 July 2021 and 27 July 2021, respectively.[3]

2. The business activities of the undertakings concerned are:

   – AIP is a private equity firm focused on buying and improving industrial businesses.

   – Alvance Dunkerque Target Business is a primary aluminium producer, which operates an aluminium smelter in Loon-Plage near Dunkerque (France).

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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 439, 29.10.2021, p. 11.

Commission européenne, DG COMP MERGER REGISTRY, 1049 Bruxelles, BELGIQUE
Europese Commissie, DG COMP MERGER REGISTRY, 1049 Brussel, BELGIË

Tel: +32 229-91111. Fax: +32 229-64301. E-mail: COMP-MERGER-REGISTRY@ec.europa.eu.

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(b) 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.