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PUBLIC VERSION

BENTELER Automotive
(China) Investment Limited
5th Floor, Building D, ECOVALLEY
No. 619 Shen Gui Road
Minhang District
201107 Shanghai
China

Beijing Hainachuan Automotive
Parts Co., Ltd.
25 East Third Ring South Road
Chaoyang District, Beijing
China

Subject: **Case M.11228 - BENTELER / BEIJING AUTOMOTIVE / JVs**
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 31 July 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which Benteler Automotive (China) Investment Limited ("Benteler", China) and Beijing Hainachuan Automotive Parts Co., Ltd ("BHAP", China), will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation, joint control of two newly set up joint ventures, namely Benteler Hainachuan Automotive (Beijing) Co., Ltd. (a Manufacturing Joint Venture, "MJV") and Beijing Hainachuan Benteler Automotive Co., Ltd. (a Sales Joint Venture, "SJV") (jointly referred to as "JVs"), by way of purchase of shares in newly created companies constituting joint ventures.[3]

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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 277, 7.8.2023, p. 2.

2. The business activities of the undertakings concerned are the following:

   – Benteler, a wholly-owned subsidiary of the Austrian company Benteler International AG, is mostly active in the supply of components and modules for automotive customers in the areas of chassis, body, engine and exhaust systems,

   – BHAP, a subsidiary of the Chinese state-owned BAIC Group, is active in the automotive sector in the supply of automobile seats, interiors and exteriors, powertrain systems, chassis systems, body systems, electronics and other components.

3. The business activities of Benteler Hainachuan Automotive (Beijing) Co., Ltd. and Beijing Hainachuan Benteler Automotive Co., Ltd. will be the assembly by the MJV of chassis modules pre-selected by a customer in China, and the sale of such chassis modules by the SJV to that customer in China.

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.[4]

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

4 OJ C 366, 14.12.2013, p. 5.