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China

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Subject: **Case M.11428 – ZGC ENV / DEUTZ CHINA / JV**
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 22 May 2024, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Zhongguancun Summit Enviro-Protection Co., Ltd ('ZGC Env', China), controlled by Beijing State-owned Capital Operation and Management Company Limited (China), and DEUTZ China Verwaltungs GmbH ('DEUTZ China', Germany), controlled by DEUTZ AG (together with affiliated companies 'DEUTZ', Germany), intend to acquire within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation joint control over a newly created company, DEUTZ Zhongguancun Hydrogen Technology Co., Ltd. ('JV', China), constituting a joint venture, by way of purchase of shares.[3]

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 OJ C, C/2024/3515, 31.5.2024.

(2) The business activities of the undertakings concerned are the following:

– ZGC Env offers services and products in the field of environmental protection, including environmental monitoring, pollution control, disposal and resource utilization, ecological restoration services and environmental management,

– DEUTZ is a manufacturer of driving systems for the off-highway sector, that develops and produces diesel, gas, hybrid, all-electric and hydrogen drive systems, used in a wide range of applications including construction equipment, agricultural machinery, material handling equipment or commercial vehicles.

(3) The business activities of the JV will be the following: distributing gensets and possibly other applications using hydrogen internal combustion engines as an input, as well as researching and developing in these fields; repair and maintenance services, including sales of spare parts.

(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 treatment for certain concentrations under Council Regulation (EC) No 139/2004.[4]

(5) For the reasons set out in the Notice on a simplified treatment, 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 160, 5.5.2023, p. 1 (the 'Notice on a simplified treatment').