EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

Subject: **Case M.9707 – Aperam Alloys Imphy/Tekna Plasma Europe/ImphyTek Powders**
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 24 January 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which, on the one hand, Aperam Alloys Imphy SAS, ('Aperam', Luxembourg), a fully-owned subsidiary of Aperam S.A and, on the other hand, Tekna Plasma Europe SAS ('Tekna', Norway), an indirect subsidiary of Arendals Fossekompani ASA, acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of ImphyTek Powders SAS ('ImphyTek Powders', France). The concentration is accomplished by way of purchase of shares in a newly created company constituting a joint venture.[3]

2. The business activities of the undertakings concerned are:

   – For Aperam: manufacturing and sales of stainless, electrical and specialty alloys steel, with customers in over 40 countries,

   – For Tekna: manufacturing of atomisers and peripheral equipment to produce metallic powders,

   – ImphyTek Powders: manufacturing and sales of nickel alloys powders.

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

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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 38, 05.02.2020, p. 3.

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paragraph 5(c) 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.