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ElringKlinger AG
Max-Eyth-Strasse 2,
72581 – Dettingen/Erms
Germany

Plastic Omnium New Energies S.A.
Rue de la Fusée 98-100
1130 – Bruxelles
Belgium

Subject: **Case M.10067 — ElringKlinger/Plastic Omnium New Energies/EKPO Fuel Cell Technologies/ElringKlinger Fuelcell Systems Austria**
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 27 January 2021, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings ElringKlinger AG ("EK", Germany) and Plastic Omnium New Energies S.A. ("PO NE", Belgium), belonging to the Compagnie Plastic Omnium SE group ("PO", France), a subsidiary of Burelle SA (France), acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of the whole of EKPO Fuel Cell Technologies GmbH ("EKPO", Germany), and PO NE acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of ElringKlinger Fuelcell Systems Austria GmbH ("EKAT", Austria). The concentration is accomplished by way of purchase of shares.[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 39, 4.02.2021, p. 21.

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2. The business activities of the undertakings concerned are:

   – for EK: the ultimate parent company of the German ElringKlinger group, an automotive supplier with international operations, that specialises in lightweight solutions, emobility, sealing and shielding technology, tooling and engineering services,

   – for PO NE: part of the PO group, which is an automotive supplier with international operations, offering exterior components (especially bumpers and front-end modules) on the one hand (intelligent exterior systems and HBPO divisions) as well as fuel storage and delivery systems (including tanks and filler pipes), high pressure storage systems and depollution systems on the other hand,

   – for EKPO: the research and development, design, manufacturing and sale of hydrogen fuel cell stacks and related engineering services, fuel cell stack components (e.g. bipolar plates, media modules, sealing solutions) and assembled fuel cell stack modules primarily for the automotive industry defined as light vehicles (passenger cars and light commercial vehicles) and medium & heavy commercial vehicles (buses and trucks),

   – for EKAT: specialised in the development of hydrogen fuel cell system solutions.

3. The proposed concentration is made of two interdependent transactions which have been notified and should be examined together because they are unitary in nature within the meaning of Section 1.5.2. of the Commission Consolidated Jurisdictional Notice under Regulation (EC) No 139/2004 on the control of concentrations between undertakings.[4]

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(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.[5]

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 95, 16.4.2008, p. 1.
5 OJ C 366, 14.12.2013, p. 5.