C/2023/1011

16.11.2023

Prior notification of a concentration

(Case M.11348 – CONTEMPORARY AMPEREX TECHNOLOGY / ANEKA TAMBANG / FENI HALTIM / HPAL JOINT VENTURE)

Candidate case for simplified procedure

(Text with EEA relevance)

(C/2023/1011)

1. On 7 November 2023, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]).

This notification concerns the following undertakings:

— Contemporary Amperex Technology Co. Limited, through HongKong CBL Limited (collectively, 'Contemporary Amperex Technology', China),

— PT Aneka Tambang Tbk ('Aneka Tambang', Indonesia), controlled by Mining Industry Indonesia,

— PT Feni Haltim ('Feni Haltim', Indonesia), and

— HPAL JV (Indonesia).

Contemporary Amperex Technology and Aneka Tambang will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Feni Haltim and HPAL JV.

The concentration is accomplished by way of purchase of shares in an existing joint venture (Feni Haltim) and by way of purchase of shares in a newly created company constituting a joint venture (HPAL JV).

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

— Contemporary Amperex Technology is a battery manufacturer and technology company that specializes in the manufacturing of lithium-ion batteries for electric vehicles and energy storage systems, as well as battery management systems, and

— Aneka Tambang is active in mining of various types of minerals, as well as carrying out business in the sector of industry, trade, transport and services relating to the mining of various types of minerals.

3. The business activities of the undertaking Feni Haltim are the following: transport, shipment services and leasing of assets (e.g., heavy equipment, vehicles, buildings, land and terminals). After implementation of the proposed concentration, Feni Haltim will i) act as a smelter company in Indonesia; ii) be active in the production and sale of ferronickel; and iii) engage in industrial park business for various activities including smelters.

The business activities of the undertaking HPAL JV will be the following: develop, construct, operate and maintain a hydrometallurgical plant to produce Mixed Hydroxide Precipitate containing nickel content of at least 35 % and cobalt content of at least 1,5 % in dry basis for end-to-end battery manufacture.

4. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified treatment for certain concentrations under Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings ([2]) it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

([1]) OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').
([2]) OJ C 160, 5.5.2023, p. 1.

5. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.11348 – CONTEMPORARY AMPEREX TECHNOLOGY / ANEKA TAMBANG / FENI HALTIM / HPAL JOINT VENTURE

Observations can be sent to the Commission by email or by post. Please use the contact details below:

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