V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.9491 — Ardagh Group/OTPP-Element/JV)

Candidate case for simplified procedure

(Text with EEA relevance)

(2019/C 311/05)

1. On 5 September 2019, 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:

— Ardagh Group S.A. (Luxembourg) ('Ardagh'),

— Element Holdings II LLP (USA) ('Element'), and its parent the Ontario Teachers' Pension Plan Board (Canada) ('OTPP'),

— a newly created joint venture ('JV') (The Netherlands).

Ardagh and OTPP acquire joint control of the JV within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation.

The concentration is accomplished by the contribution of Element's business and of Ardagh's Food and Specialty business into the JV.

2. The business activities of the undertakings concerned are:

— Ardagh is the holding company of an international group of companies mainly active in the production of rigid packaging solutions for the food and beverage as well as consumer products industries. It supplies a broad range of glass and metal packaging products to a variety of end markets on a global basis,

— Element, through one or more wholly owned Exal subsidiaries, manufactures and sells metal packaging products. Exal's metal packaging products consist of aluminium aerosol cans that are used to package beauty, personal care, pharmaceutical, food, and home care products; and aluminium bottles for beverages,

— OTPP is an independent single-profession pension plan concerned with the administration of pension benefits and the investment of pension plan assets,

— the JV would post-transaction be active in metal packaging, more specifically in the production of food, nutrition, paint & coatings, aerosols and other specialty cans as well as aluminium bottles.

3. 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 procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004 ([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 366, 14.12.2013, p. 5.

4. 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.9491 — Ardagh Group/OTPP-Element/JV

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

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