EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying party

Subject: **Case M.9649 – TSR RECYCLING / SIMS METAL MANAGEMENT (CERTAIN RECYCLING ASSETS)**
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 10 February 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which TSR Recycling GmbH & Co. KG and TSR Recycling Holding GmbH (together 'TSR Recycling', Germany), belonging to the Remondis group (Germany), which is ultimately controlled by Rethmann SE & Co. KG (Germany), acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of Mirec B.V. (Netherlands), Sims M+R GmbH (Germany), Sims Recycling Solutions AB (Sweden), Sims Recycling Solutions Austrian Holdings GmbH (Austria) (together the 'Target Companies'), all belonging to Sims Metal Management Limited (US) by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – TSR Recycling: trading and processing of secondary raw material for steel producers and the foundry industry. TSR Recycling collects, stores and processes metal and electronic scrap. TSR Recycling also offers waste disposal and environmental services. TSR Recycling operates recycling facilities in Germany and across Europe,

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 56, 19.2.2020, p. 8.

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– Target Companies: electronic recycling and processing of metal mixtures from different recycling processes. The Target Companies operate facilities in Bergkamen (Germany), Eindhoven (Netherlands), Sint Niklaas (Belgium), Mullendorf (Austria) and Katrinenholm (Sweden).

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 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.