EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

Subject: **Case M.9918 – CUMMINS / ETC / NPROXX**
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 7 August 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Cummins Inc. ('Cummins', USA) and Enrichment Technology Company Ltd. ('ETC', UK) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over NPROXX B.V. ('NPROXX', the Netherlands) by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for Cummins: Cummins is a globally active US manufacturer of diesel and gas engines and power supply systems,

   – for ETC: ETC is active in the design, development and manufacture of gas centrifuges for the enrichment of uranium for nuclear energy,

   – for NPROXX: NPROXX is active in the design, development and sale of composite pressure vessels for the storage and transportation of hydrogen or for compressed natural gases (CNG). The pressure vessels are used for different applications in particular in the automotive and transport sectors.

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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 268, 14.8.2020, p. 21.

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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(a) 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.