

Prior notification of a concentration
(Case COMP/M.6559 — Eurochem/K+S Nitrogen)
Candidate case for simplified procedure
(Text with EEA relevance)
(2012/C 152/10)

1. On 21 May 2012 the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ relating to the proposed acquisition by which the undertaking Eurochem Trading GmbH ('Eurochem Trading', Germany), belonging to the group OJSC — Mineral and Chemical Company Eurochem ('Eurochem', Russia), acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the following undertakings (together, 'K+S Nitrogen'), controlled by K+S AG ('K+S', Germany), K+S Nitrogen GmbH (Germany), fertiva GmbH (Germany), K+S Gübre ve Endüstri Ürünleri San.ve Tec. Ltd Sti (Turkey), K plus S Iberia S.L. (Spain), K+S Agricoltura SpA (Italy), K+S Hellas SA (Greece), K+S Agro México SA de C.V. (Mexico) and K+S Interservicios SA de C.V. (Mexico) by way of purchase of shares and acquire(s) within the meaning of Article 3(1)(b) of the Merger Regulation control of parts of the following undertakings, controlled by K+S: K+S Nitrogen France SAS (France), Shenzhen K+S Trading Co. Ltd (China), K+S Asia Pacific Pte. Ltd (Singapore) and K+S AG (Germany) by way of purchase of assets, the acquired undertakings and assets together constituting K+S's current activities in the sale of nitrogen fertilisers (the 'Proposed Transaction').

2. The business activities of the undertakings concerned are:

- Eurochem is active in the mining of minerals, coal and the manufacture and sale of mineral fertilisers,
- K+S Nitrogen sells straight nitrogen and NPK fertilizers of independent companies, historically primarily manufactured by BASF in Antwerp.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the EC 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 EC Merger Regulation ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

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. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6559 — Eurochem/K+S Nitrogen, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

⁽²⁾ OJ C 56, 5.3.2005, p. 32 ('Notice on a simplified procedure').