PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case COMP/M.6686 — Terex/GAZ/JV)

Candidate case for simplified procedure

(Text with EEA relevance)

(2012/C 314/11)

1. On 10 October 2012, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]) by which the undertakings Terex Corporation ('Terex', USA) and Open Joint Stock Company GAZ ('GAZ', Russia), belonging to the Basic Element Group ('Basic Element', Russia) which is ultimately controlled by Mr Oleg DERIPASKA (Russia), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Construction Equipment Corporation BV ('JV', the Netherlands), by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— for Terex: manufacture of machinery and industrial products for use in various industries, including the construction, infrastructure, quarrying, manufacturing, mining, shipping, transportation, refining, energy and utility industries,

— for Basic Element: operates in various segments such as energy, manufacturing, financial services, construction, aviation and agriculture and, via the GAZ Group, in the manufacture of light and medium-duty commercial vehicles, heavy-duty trucks, buses, cars, construction and road-building equipment, powertrain and automotive components in Russia,

— for the JV: manufacture in Russia and distribution in Russia and other countries of the Commonwealth of Independent States of construction equipment.

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.6686 — Terex/GAZ/JV, 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').