



ΕΠΙΤΡΟΠΗ ΠΡΟΣΤΑΣΙΑΣ
ΤΟΥ ΑΝΤΑΓΩΝΙΣΜΟΥ

Decision CPC: 61/2013

Case Number 8.13.013.14

**THE CONTROL OF CONCENTRATIONS
BETWEEN ENTERPRISES LAWS 1999 TO 2000**

Notification of concentration concerning the acquisition of Hatlap Group of Companies
by Cargotec Group of Companies, through its subsidiaries MacGregor Netherlands
Holding B.V. and Cargotec Norway AS

Commission for the Protection of Competition:

Mrs. Loukia Christodoulou,	Chairperson
Mrs. Eleni Karaoli,	Member
Mr. Andreas Karídes,	Member
Mr. Charis Pastellis,	Member
Mr. Christos Tsingis	Member

Date of decision: 3 October 2013

SUMMARY OF THE DECISION

On the 22nd of July 2013, the Commission for the Protection of Competition (hereinafter the «Commission») received on behalf of Cargotec Norway AS (hereinafter «Cargotec Norway») and MacGregor Netherlands Holding BV (hereinafter «MacGregor») a notification of a proposed concentration in accordance with Section 13 of the Control of Concentrations between Enterprises Law (Number 22(I)/99) (hereinafter the «Law»), concerning the acquisition of Hatlapa group of companies through the acquisition of all

partnership interests in HATLAPA Uetersener Maschinenfabrik GmbH & Co. KG (hereinafter «HUM») and 100% of the votes and shares in companies HATLAPA Marine Holdings AS (hereinafter «HAM»), HATLAPA Asia Pacific Pte. Ltd (hereinafter «HAP») and ISMS Holding Ltd (hereinafter «ISMS»), by Cargotec group of companies through its indirectly wholly subsidiaries MacGregor Netherlands Holding BV and Cargotec Norway AS.

MacGregor Netherlands Holding BV and Cargotec Norway A / S are members of the Cargotec group of companies, operating in the field of technology goods and related services. These companies offer cargo handling equipment and deck and cargo flow solutions for the maritime and offshore industries.

Hatlapa group of companies operates in the shipping equipment sector, manufacturing products for the shipbuilding and the offshore industry.

This transaction was based on the Share Sale Agreement (hereinafter the «Agreement»), signed on the 15th of July 2013, between the sellers Dr. Hubertus Gunther Maximilian Hatlapa, Dr Alexander Nurnberg, Hatlapa International Holding GmbH and MAX Holding AG and the purchasers MacGregor and Cargotec Norway, for the purchase of Hatlapa Group of Companies via the acquisition of all partnership interests in HUM and the 100% of the votes and shares in HAM, HAP and ISMS.

The Commission, taking into account the facts concerning this concentration concluded that this transaction constitutes a concentration within the meaning of section 4(1)(b) of the Law, since it results in the acquisition of sole control of Hatlapa Group of Companies.

Furthermore, based on the information contained in the notification, the Commission found that the criteria set in section 3 (2) (a) of the Law were fulfilled and therefore the notified concentration was of major importance, following within the scope of the Law. According to the notification, the turnover achieved by Cargotec for 2012 exceeded 3.417.203 euro and the turnover of Hatlapa Group of Companies for 2012 exceeded 3.417.203 euro. In addition, Cargotec and Hatlapa engage in commercial activities within the Republic of Cyprus and their aggregate turnover for 2012 exceeded 3.417.203 euro.

The Commission for purposes of evaluating this concentration considered the relevant product/service market to be: 1) the manufacturing and selling of offshore winches, 2) the manufacturing and selling of winches for commercial shipping, 3) the manufacturing

and selling of shark jaws and guiding pins, 4) the manufacturing and selling of marine cranes and 5) the provision of after sales services separately for each type of product (a) for maritime transportations and (b) for offshore industries. The geographic markets for the relevant markets 1-4 was left open. For the relevant market 5, the geographic market was defined as the area controlled by the Republic of Cyprus.

Based on the information provided by the parties, the concentration does not create any affected markets as determined in Annex I of the Law as there is no horizontal or vertical overlap in the relevant markets within the Cyprus Republic.

The Commission, on the basis of the factual and legal circumstances, applying the relevant provisions of the Law and taking into consideration the report of the Service, unanimously decided that this concentration does not create or strengthen a dominant position as there is no affected market and therefore the concentration does not raise serious doubts as to its compatibility with the competitive market.

Therefore, the Commission, acting in accordance with section 18 of the Law, unanimously decided not to oppose the notified concentration and declare it as being compatible with the requirements of the competitive market.

Mrs. Loukia Christodoulou

Chairperson of the Commission for the Protection of Competition