



PRESS RELEASE No 156/24

Luxembourg, 4 October 2024

Judgment of the Court in Case C-581/22 P | thyssenkrupp v Commission

Competition: the Court upholds the decision of the European Commission prohibiting the proposed merger between thyssenkrupp and Tata Steel

The Court thereby upholds the judgment of the General Court of 22 June 2022

thyssenkrupp, a German industrial group, and Tata Steel, a company whose registered office is in India, are active, inter alia, in the manufacturing and supply of flat carbon steel products and of electrical steel. Their centres of production are located, respectively, in Germany, the United Kingdom and the Netherlands. Those companies also have finishing plants in other Member States.

On 25 September 2018, the two undertakings notified the Commission, in accordance with the Merger Regulation,¹ of their plan to acquire joint control of a newly created joint venture. The proposal related primarily to metallic coated and laminated steel products for packaging and hot-dip galvanised steel products used in the automotive industry. Following an exchange with the undertakings involved and after sending requests for information to a number of market players, including, inter alia, competitors and customers, the Commission declared, by decision of 11 June 2019, that the transaction was incompatible with the internal market and the European Economic Area (EEA).

thyssenkrupp brought an action for annulment of the Commission's decision before the General Court of the European Union. In its judgment of 22 June 2022, the General Court rejected all of the arguments relied on by the undertaking and upheld the Commission's decision.²

thyssenkrupp subsequently brought an appeal before the Court of Justice against the judgment of the General Court. In support of its appeal, thyssenkrupp raised five grounds based on multiple alleged errors of law concerning, inter alia, the definition of the relevant product market and geographic market, the standard of proof applicable to the Commission, the interpretation of Article 2(3) of the Merger Regulation, the interpretation of the concepts of 'important competitive force' and 'close competitors', the Herfindahl-Hirschmann Index, and the requests for information sent to the merging parties. In addition, thyssenkrupp submitted that the General Court had distorted certain evidence.

In its judgment of today, the Court of Justice dismisses the appeal in its entirety. It therefore upholds the judgment of the General Court and the Commission's decision.

NOTE: An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Pictures of the delivery of the judgment are available from "[Europe by Satellite](#)" ☎ (+32) 2 2964106.

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¹ Council [Regulation \(EC\) No 139/2004](#) of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation).

² Judgment [T-584/19](#) (see also Press Release [110/22](#)).