

Case No COMP/M.6937 - UTC/ TCC/ TCAC JV

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**REGULATION (EC) No 139/2004
MERCER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 17/07/2013

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EUROPEAN COMMISSION

Brussels, 17.7.2013
C(2013) 4712 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

Dear Sirs,

**Subject: Case No COMP/M.6937 - UTC/ TCC/ TCAC JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 20.06.2013, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Carrier Asia Limited, a wholly owned subsidiary of United Technologies Corporation ('UTC', United States of America) and Toshiba Carrier Corporation ('TCC', Japan), a joint venture between UTC and Toshiba Corporation ('Toshiba', Japan), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Toshiba Carrier Air Conditioning (China) Co., Ltd. ('TCAC', China) by way of purchase of shares in this newly created company constituting a joint venture².
2. The business activities of the undertakings concerned are:

for UTC: provision of high-technology products and services for the building systems and aerospace industries. The undertaking is active, among others, in the design, manufacture and supply of heating, air-conditioning and refrigeration solutions.

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 Publication in the Official Journal of the European Union No C 183, 28 June 2013, p.32

for TCC: the design, manufacture and supply of air-conditioning solutions.

for TCAC: the design, manufacture, wholesaling, export and import, and commission brokerage of air-conditioning products in China.

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(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004³.
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.

*For the Commission
(signed)*

*Alexander ITALIANER
Director General*

³ OJ C 56, 5.3.2005, p. 32.