

***Case No COMP/M.2489 -
BORG WARNER /
HITACHI***

Only the English text is available and authentic.

**REGULATION (EEC) No 4064/89
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 17/07/2001

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.07.2001

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PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties

Subject: Case No. COMP/M.2489-Borg Warner/Hitachi
Notification of 15.06.2001 pursuant to Article 4 of Council Regulation (EEC) No. 4064/89¹
Publication in the Official Journal of the European Communities No. C 177/4, 22.06.2001.

1. On 15.06.2001, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the undertaking Borg Warner Inc. («Borg Warner») USA and Hitachi («Hitachi») Japan acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Hitachi Warner Turbo Systems («HWTS») Japan by way of purchase of shares.
2. The business activities of the undertakings concerned are :
 - for Borg Warner : Automotive components
 - for Hitachi : IT-products, automotive components and other products
 - for HWTS : Turbochargers.

¹ OJ L 395, 30.12.1989 p. 1; corrected version OJ L 257 of 21.9.1990, p. 13, as last amended by Regulation (EC) No 1310/97, OJ L 180, 9.7.1997, p. 1, corrigendum in OJ L 40, 13.2.1998, p. 17.

3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No. 4064/89 and of paragraph 4(a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89².
4. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EEC) No. 4064/89.

For the Commission

Mario MONTI
Member of the Commission

² OJ C 217, 29.07.2000, p. 32.