

EN

***Case No COMP/M.6413 -
OJSC POWER
MACHINES / TOSHIBA /
JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 24/02/2012

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EUROPEAN COMMISSION

Brussels, 24.2.2012
C(2012) 1347 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

Dear Madam(s) and/or Sir(s),

**Subject: Case No COMP/M.6413-OJSC POWER MACHINES / TOSHIBA / JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 25 January 2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings OJSC Power Machines ("Power Machines", Russia) and Toshiba Corporation ("Toshiba", Japan) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control by way of purchase of shares in a newly created company constituting a joint venture ("JV").
2. The business activities of the undertakings concerned are:
 - for Power Machines: manufacture of power generation equipment and other devices for power plants, in particular turbines and generators;
 - for Toshiba: manufacture of digital products, electronic devices and components, and infrastructure systems; and

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.

- for JV: engineering, production and sale of, and provision of maintenance service for, certain oil immersed power transformers and oil immersed shunt reactors².
- 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(a) 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

² Publication in the Official Journal of the European Union No C 29, 02.02.2012, p.13.

³ OJ C 56, 5.3.2005, p. 32.