

EN

***Case No COMP/M.6531 -  
TOSHIBA / HDD  
ASSETS OF WESTERN  
DIGITAL***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 26/03/2012

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EUROPEAN COMMISSION

Brussels, 26.03.2012  
C(2012) 2187

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

**To the notifying party:**

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

**Subject: Case No COMP/M. 6531 - TOSHIBA / HDD ASSETS OF WESTERN DIGITAL  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004<sup>1</sup>**

1. On **28.02.12**, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Toshiba Corporation ("Toshiba", Japan) acquires within the meaning of Article 3(1)(b) of the Council Regulation sole control of certain tangible and intangible assets for the production of 3.5" hard disk drives (collectively, the "Divestment Business") by way of purchase of assets from Western Digital Corporation ("WD", US). The business activities of the undertakings concerned are:
  - for Toshiba: research, development, production, distribution, and sales of a wide range of products and services on a global basis in four business domains: (i) digital products, (ii) electronic devices, including hard disk drives, (iii) social infrastructure and home appliances
  - for the Divestment Business: production of 3.5" hard disk drives for desktop, consumer electronics and business critical end users <sup>2</sup>.

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<sup>1</sup> 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.

<sup>2</sup> Publication in the Official Journal of the European Union No C 69, 7.03.2012, p.7

2. 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 139/2004<sup>3</sup>.
3. 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*

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<sup>3</sup> OJ C 56, 5.3.2005, p. 32.