

Case No COMP/M.7016 - MHI/ MH POWER SYSTEMS

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 06/12/2013

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EUROPEAN COMMISSION

Brussels, 6.12.2013
C(2013) 9066 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party:

Dear Madam, dear Sirs,

**Subject: Case No COMP/M.7016 - MHI/ MH Power Systems
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹**

1. On 07 November 2013, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Mitsubishi Heavy Industries, Ltd ("MHI", Japan) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of MH Power Systems, Ltd ("MHPS", Japan).
2. The business activities of the undertakings concerned are:
 - for MHI: shipbuilding and ocean development, power systems, nuclear energy systems, machinery and steel infrastructure systems, aerospace systems, and medium-volume mass production items;

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 MHPS: thermal power generation systems, geothermal power systems, environmental equipment, fuel cells and other related businesses².
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*

² Publication in the Official Journal of the European Union No C 330, 11 November 2013, p.10.

³ OJ C 56, 5.3.2005, p. 32.