



EUROPEAN COMMISSION
DG Competition

***Case M.8029 - KNB /
MITSUI / DVHP / DAVITA***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 06/06/2016

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EUROPEAN COMMISSION

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PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties

Dear Sirs,

**Subject: Case M.8029 – KNB / MITSUI / DVHP / DAVITA
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

1. On 10 May 2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Khazanah Nasional Berhad ("Khazanah", Malaysia), Mitsui & Co., Ltd ("Mitsui", Japan) and DaVita Healthcare Partners Inc. ("DVHP", USA), through its wholly-owned subsidiary, DV Care Netherlands B.V. ("DVBV"), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking DaVita Care Pte. Ltd. ("DaVita", Singapore) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Khazanah: Khazanah is headquartered in Kuala Lumpur, Malaysia and is the Government of Malaysia's strategic investment fund.
 - for Mitsui: Mitsui is a Japanese trading house engaged in various worldwide commodity and other businesses.
 - for DVHP: DVHP, headquartered in the United States and publicly listed on the New York Stock Exchange, provides a variety of healthcare services.

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 OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

- for DaVita: DaVita Care Pte. Ltd., operates local dialysis centres and provides hospital management consultation services related to kidney care/dialysis in five countries in Asia: Singapore, Malaysia, India, China and Taiwan.³
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 139/2004.⁴
 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 and Article 57 of the EEA Agreement.

For the Commission
(signed)
Johannes LAITENBERGER
Director-General

³ Publication in the Official Journal of the European Union No C 182, 20.05.2016, p. 6.

⁴ OJ C 366, 14.12.2013, p. 5.