



EUROPEAN COMMISSION  
DG Competition

***Case M.8037 - INCJ / SUMITOMO / SEKISUI / JV***

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: 16/06/2016

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## EUROPEAN COMMISSION

Brussels, 16.6.2016  
C(2016) 3836 final

PUBLIC VERSION

SIMPLIFIED MERGER  
PROCEDURE

### **To the notifying parties:**

Dear Sirs,

**Subject: Case M.8037 – INCJ / SUMITOMO / SEKISUI / JV  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)  
No 139/2004<sup>1</sup> and Article 57 of the Agreement on the European Economic Area<sup>2</sup>**

1. On 19 May 2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Innovation Network Corporation of Japan ("INCJ", Japan), Sumitomo Chemical Co., Ltd. ("Sumitomo", Japan), and Sekisui Chemical Co., Ltd. ("Sekisui", Japan) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of a newly created company constituting a joint venture ("JV", Japan) by way of purchase of shares.<sup>3</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> OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

<sup>3</sup> Publication in the Official Journal of the European Union No C 188, 27.05.2016, p. 3.

2. The business activities of the undertakings concerned are:
- for INCJ: promotion of innovation and business in Japan, review of various investment opportunities in the areas of clean energy, electronics, IT and biotechnology and infrastructure-related sectors such as water supply;
  - for Sumitomo: manufacturing and sale of a wide array of chemical products, including petrochemicals, plastics, energy, IT-related chemicals, health and crops, pharmaceuticals and others;
  - for Sekisui: manufacturing and sale of high performance plastics, urban infrastructure and environmental products, housing and others.
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.<sup>4</sup>
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*

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<sup>4</sup> OJ C 366, 14.12.2013, p. 5.