



EUROPEAN COMMISSION  
DG Competition

***Case M.8240 - DANA /  
BREVINI FLUID POWER  
AND BREVINI POWER  
TRANSMISSION***

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: 16/12/2016

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EUROPEAN COMMISSION

Brussels, 16.12.2016  
C(2016) 8872 final

PUBLIC VERSION

**To the notifying party**

**Subject: Case M.8240 - DANA / BREVINI FLUID POWER AND BREVINI POWER TRANSMISSION  
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>**

Dear Sir or Madam,

1. On 22/11/2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Dana Incorporated (United States of America) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of Brevini Fluid Power SpA and Brevini Power Transmission SpA (both of Italy, together referred to as the 'Target') by way of purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - for Dana: the supply of driveline, sealing and thermal-management products to manufacturers of light, medium/heavy and off-highway vehicles on a global basis,
  - for the Target: the supply of transmissions and hydraulic and electronic components for marine, mobile & infrastructure, heavy duty, industrial and stationary equipment, agriculture and renewable energy and waste management uses.

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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 447, 01.12.2016, p.14.

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(b) 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.