



EUROPEAN COMMISSION  
DG Competition

***Case M.8498 - TORAY / MITSUI / SODA***

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: 24/07/2017

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## EUROPEAN COMMISSION

Brussels, 24.7.2017  
C(2017) 5345 final

PUBLIC VERSION

To the notifying parties:

**Subject: Case M.8498 - TORAY / MITSUI / SODA  
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 29 June 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Toray Industries, Inc. ("Toray", Japan) and Mitsui & Co., Ltd. ("Mitsui", Japan) intend to acquire joint control, within the meaning of Article 3(1)(b) of the EUMR, over Soda Aromatic Co., Ltd. ("Soda", Japan).<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - Toray is a global company headquartered in Japan with activities in more than 20 countries, active in the manufacturing, processing and sale of fibres and textiles, plastics and chemicals, IT-related products and carbon fibre composite materials; provision of environmental, engineering and life sciences services;
  - Mitsui is a global Japanese group active in the provision of logistics and financing, development of major international infrastructure and other projects in variety of fields: steel, mineral and metal resources; transportation systems; chemicals, energy, food, healthcare, consumer, IT, communication and corporate development, at a worldwide basis;

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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 218, 7.7.2017, p. 23.

- Soda is a Japanese company active in the manufacture, sale, research and development of fragrance, flavour and aroma chemicals in Asia and Europe.
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.