



EUROPEAN COMMISSION
DG Competition

***Case M.8719 - KYOCERA / RYOBI / RYOBI DALIAN
MACHINERY / RYOBI SALES / KYOCERA INDUSTRIAL
TOOLS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 20/12/2017

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EUROPEAN COMMISSION

Brussels, 20.12.2017
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PUBLIC VERSION

To the notifying parties

**Subject: Case M.8719 - KYOCERA / RYOBI / RYOBI DALIAN MACHINERY / RYOBI SALES / KYOCERA INDUSTRIAL TOOLS
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**

Dear Sir or Madam,

1. On 23 November 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Kyocera Corporation (Japan) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of the undertakings Kyocera Industrial Tools Co., Ltd (Japan) and Ryobi Sales Co. (Japan) and the undertakings Kyocera Corporation (Japan) and Ryobi Limited (Japan) acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control over the whole of the undertaking Ryobi Dalian Machinery Co., Ltd (China) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for Kyocera Corporation: Japanese multinational manufacturer and supplier of a wide range of products for industrial users,
 - for Ryobi Limited: Japanese supplier of die castings, printing equipment, power tools and building hardware,

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').

³ Publication in the Official Journal of the European Union No C 413, 05.12.2017, p. 08.

- for Ryobi Dalian Machinery Co., Ltd: Chinese wholly-owned subsidiary of Ryobi Limited, active in the power tools and door closer (including related building hardware) sectors,
 - for Ryobi Sales Co.: Japanese company, which sells power tool products manufactured by Ryobi Limited in Japan,
 - for Kyocera Industrial Tools Co., Ltd: Japanese newly established company that will include Ryobi Limited's current power tool business in Japan; the power tool business of Ryobi Dalian Machinery Co., Ltd; and the door closer business of Ryobi Dalian Machinery Co., Ltd and will be jointly owned by Kyocera Corporation and Ryobi Limited.
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 139/2004.⁴
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*

⁴ OJ C 366, 14.12.2013, p. 5.