



EUROPEAN COMMISSION
DG Competition

Case M.8803 - MICHELIN / SUMITOMO / JV

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 23/02/2018

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EUROPEAN COMMISSION

Brussels, 23.2.2018
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PUBLIC VERSION

To the notifying parties

Subject: Case M.8803 - MICHELIN / SUMITOMO / JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) ²
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area ²

Dear Sir or Madam,

1. On 1 February 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Michelin North America Inc. ('MNAI', United States), controlled by Michelin Group (France), and Sumitomo Corporation of Americas ('SCOA', United States), controlled by Sumitomo Corporation (Japan), acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a newly created joint venture. The concentration is accomplished by way of purchase of shares in a newly created company constituting a joint venture (the 'JV').³
2. The business activities of the undertakings concerned are:
 - MNAI manufactures and sells tyres for a wide range of vehicles (including passenger cars and light trucks; heavy duty trucks; recreational vehicles; earthmoving vehicles; agricultural vehicles; aircrafts; motorcycles and bikes) in the United States, Canada and Mexico. MNAI is part of the Michelin group which is active globally.
 - SCOA engages in tubular product, steel and non-ferrous metal, machinery and power, chemicals and electronics, lifestyle-related products, and mineral resources and energy businesses. SCOA is controlled by the Sumitomo Corporation which is active globally.

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 48, 09.02.2018, p. 6.

- The JV will be the combination of MNAI's and SCOA's distribution businesses and will mainly be active in the United States and Mexico. The JV will have some minor distribution activities in the EEA.
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

⁴ OJ C 366, 14.12.2013, p. 5.