



EUROPEAN COMMISSION
DG Competition

***Case M.9053 - SUMITOMO
/ TIERRA / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 21/08/2018

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EUROPEAN COMMISSION

Brussels, 21.08.2018
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PUBLIC VERSION

To the notifying parties:

**Subject: Case M.9053 - SUMITOMO / TIERRA / JV
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 27 July 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Sumitomo Corporation ("Sumitomo", Japan), and Tierra S.p.A. ("Tierra", Italy) a joint venture between Topcon Corporation (Japan) and Elda Ingegneria S.r.l., (Italy), acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of a newly formed joint venture (the "JV", Indonesia) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for **Sumitomo**: Sumitomo is active in various sectors, both within and outside Japan, such as: trading of metal products, transportation and construction systems, environment and infrastructure, chemicals and electronics, media, networks and lifestyle related goods, mineral resources, energy and life sciences.
 - for **Tierra**: Tierra develops and provides telematics information management systems and software solutions. It serves original equipment manufacturers and aftermarket customers in the agriculture, construction, surveying, and general industry sectors worldwide, including in the EEA.

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 274, 06.8.2018, p. 5.

- for the **JV**: the JV will be active in India and South-East Asia in the provision of IT consultancy services and management of other computer facilities by providing integrated hardware and software for telematics and internet-of-things (IoT) services and solutions, including in particular vehicle and assets tracking and control systems.
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.