



EUROPEAN COMMISSION

DG Competition

***Case M.10984 - MESSER / TOYOTA TSUSHO EUROPE /
JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION

Date: 29/06/2023

***In electronic form on the EUR-Lex website under document
number 32023M10984***



EUROPEAN COMMISSION

Brussels, 29.6.2023
C(2023) 4520 final

PUBLIC VERSION

Messer SE & Co. KGaA
Messer-Platz 1
D-65812 – Bad Soden
Germany

Toyota Tsusho Europe SA
Immermannstrasse 65B
40210 – Düsseldorf
Germany

**Subject: Case M.10984 – MESSER / TOYOTA TSUSHO EUROPE / 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 6 June 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which Messer SE & CO KGaA ('Messer', Germany), indirectly controlled by the Messer Industrie GmbH (Germany) and Toyota Tsusho Europe S.A. ('TTE', Belgium), ultimately controlled by Toyota Tsusho Corporation ('TTC', Japan) will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a newly created company ('Target JV', Germany).³
2. The business activities of the undertakings concerned are the following:
 - Messer is a producer of industrial gases, speciality gases, medical gases and gas mixtures,
 - Toyota Tsusho Europe is a wholly owned subsidiary of Toyota Tsusho Corporation, a trading company operating globally in the metals, parts and

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 207, 14.6.2023, p. 4.

logistics, automotive, machinery, energy and projects, chemicals and electronics, and food and consumer services sectors.

3. The business activities of the newly set-up Target JV will be the following: Target JV will offer a one-stop-shop service to fleet operators, which will comprise the provision of hydrogen mobility vehicles (e.g. fuel-cell buses), maintenance and fleet management services as well as an on-site production and supply of green hydrogen. The new JV will mainly focus on projects in Europe.
4. 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) and 5(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴
5. 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)
Olivier GUERSENT
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.