



EUROPEAN COMMISSION  
DG Competition

***Case M.11139 - EMERSON / NI***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 31/08/2023

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EUROPEAN COMMISSION

Brussels, 31.8.2023  
C(2023) 6011 final

## **PUBLIC VERSION**

Emerson Electric Co.  
8000 West Florissant Avenue  
P.O. Box 4100  
St. Louis, MO 63136  
United States of America

**Subject: Case M.11139 – EMERSON / NI  
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 4 August 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which Emerson Electric Co. ('Emerson', U.S.A) will acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of National Instrument Corporation ('NI', U.S.A.) by way of purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are the following:
  - Emerson is primarily engaged in the development and supply of technology and engineering products. It provides solutions to customers active in industrial, commercial and consumer sectors through its Automation Solutions business. Emerson is active globally,
  - NI is an international manufacturer of modular hardware and flexible software systems for electronic testing and measurement applications. It operates in more than 40 countries worldwide. Its solutions help customers solve current and future test challenges and improve speed and efficiency in their product development cycles.

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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 282, 11.8.2023, p. 20.

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(b) 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)*  
*Olivier GUERSENT*  
*Director-General*

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<sup>4</sup> OJ C 366, 14.12.2013, p. 5.