EUROPEAN COMMISSION

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PUBLIC VERSION

Cummins Inc.
500 Jackson Street
Columbus, IN 47201
United States of America

Subject: **Case M.10740 – CUMMINS / MERITOR**
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004[1] and Article 57 of the Agreement on the European Economic Area[2]

Dear Sir or Madam,

1. On 29 June 2022, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Cummins Inc. ('Cummins', USA) will acquire within the meaning of Article 3(1)(b) of the Merger Regulation sole control over the whole of the undertaking Meritor Inc. ('Meritor', USA). by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are the following:

   – Cummins is a global company that manufactures, distributes and services diesel and alternative fuel engines and generators, as well as powertrain-related components and technology,

   – Meritor is a global supplier of axles, brakes, and other modules and components to Original Equipment Manufacturers (OEMs) and the aftermarket for the commercial vehicle, transportation and industrial sectors.

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 262, 07/7/2022, p. 19.

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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)
Olivier GUERSENT
Director-General

4 OJ C 366, 14.12.2013, p. 5.