EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

Subject: **Case M.9248 - SUMITOMO / MAHINDRA / JV**
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 8 January 2019, 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 Mahindra Agri Solutions Limited ('Mahindra', India), belonging to the Mahindra Group (India), acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a newly created Joint Venture ('JV', India) by way of purchase of shares and contribution of assets.[3]

2. The business activities of the undertakings concerned are:

   – for Sumitomo: trading and investment company active in 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 Mahindra: technology and agricultural know-how, as well as agricultural inputs (seeds, crop care, seed potato, and micro irrigation), agricultural output (fresh fruit, pulses, and edible oils) and dairy advisory services;

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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 20, 16.1.2019, p. 4.

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– for the JV: manufacture, formulation, distribution, sale, purchase, marketing, import and export of agrochemical products, primarily in India and also in Nigeria and Tanzania. Mahindra will transfer to the JV its agrochemical business.

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.