EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

Subject: **Case M.9363 – KOITO / ELBIT / BWV / 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 20 May 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Koito Manufacturing Co., Ltd ("Koito", Japan) and Elbit Systems Ltd. ("Elbit", Israel) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of the undertaking BrightWay Vision ("BWV", Israel), currently jointly controlled by Elbit and Synergetic Capital LLC. by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for Koito: manufacturing and supply of (i) automotive lighting and accessories; (ii) aircraft lighting and other equipment; and (iii) ship lights/special products.

   – for Elbit: development and supply of a broad portfolio of airborne, land and naval systems and products for defence, homeland security and commercial applications.

   – for BWV: manufacturing, research and development, and sale of enhanced vision systems for automotive applications. BWV's technology provides Advanced Driver Assistance Systems ("ADAS") functionality.

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 181, 27.5.2019, p. 9.

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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(a) and 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)
Johannes LAITENBERGER
Director-General

4 OJ C 366, 14.12.2013, p. 5.