EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

Subject: **Case M.9998 — Sumitomo/Tech 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 19 November 2020, 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 Tech Mahindra Limited ("Tech Mahindra", India), acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control over the whole of the newly created company constituting a joint venture SCTM Engineering Corporation (the "Target", Japan) by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for Sumitomo: It is a trading and investment company, which provides a range of services and products in sectors such as the trading of metal products, transportation and construction of systems, environment and infrastructure, media, network and lifestyle related products, mineral resources, energy, chemicals and electronics,

   – for Tech Mahindra: It is a global technology company, providing information technology and business process outsourcing services to customers across a wide range of industries, including telecommunications, media & entertainment, manufacturing, banking & financial services, life sciences, retail & consumer goods and oil & gas,

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 412, 30.11.2020, p. 16.

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– for the Target: It will provide engineering services to the automotive sector, automotive product engineering, advanced driver assistance systems (ADAS), autonomous driving, vehicle to everything (V2X) and 5G wireless communications technology, along with connected and digital services in the automotive sector.

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)
Olivier GUERSENT
Director-General

4 OJ C 366, 14.12.2013, p. 5.