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Taito-ku, Tokyo 110-0015
Japan

KTEG GmbH
Baindterstraße 29
88255 Baienfurt
Germany

Subject: **Case M.11031 – HITACHI CONSTRUCTION MACHINERY / KIESEL / EAC**
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 6 March 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Hitachi Construction Machinery Co., LtD ('HCM', Japan) and KTEG GmbH ('KTEG', Germany) intend to create within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation a full function joint venture, EAC European Application Center GmbH ('EAC', Germany), by way of transfer of assets.[3]

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

   – HCM is a Japanese company active globally in the production and distribution of construction machinery. It also offers used equipment and spare parts for its products, as well as related services,

   – KTEG is a German company that develops and designs products, mainly customized excavator parts, as well as solutions, such as customisation of

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 93, 13.3.2023, p. 41.

construction machinery. KTEG is a part of the Kiesel Group, which globally distributes new construction and handling machinery and used machinery of various brands. The Kiesel Group also offers system solutions and ancillary services in the areas of financing, leasing and driver training.

3. The business activities of EAC will be the following: EAC will provide zero-emission and special application construction machinery. In particular, it will develop, produce and sell electrified zero-emission construction machinery, mainly excavators, as well as special application construction machinery and equipment, including boom change systems, as well as assist and fleet-management systems.

4. 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]

5. 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.