EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

Subject: **Case M.9327 - YZJ GROUP / MITSUI E&S GROUP / MITSUI & CO GROUP / 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 3 June 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Mitsui E&S Shipbuilding Co., Ltd (Japan) ("MES") and Mitsui E&S Co., Ltd (China) ("MIC"), both belonging to the Mitsui E&S Group ("the Mitsui E&S Group") which is ultimately controlled by Mitsui E&S Holding Co Ltd, Mitsui & Co., Ltd (Japan), and Jiangsu Yangzijiang Shipbuilding Co., Ltd (China), belonging to the YZJ Group ("the YZJ Group") which is ultimately controlled by Yangzijiang Shipbuilding (Holdings) Ltd (all together "the Parties"), acquire within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation joint control of Jiangsu Yangzi-Mitsui Shipbuilding Co., Ltd (China) ("the JV") ("the Transaction").

   The concentration is accomplished by way of purchase of shares and contribution of assets in a newly created company constituting a joint venture.[3]

2. The business activities of the undertakings concerned are:

   – for the Mitsui E&S Group: active in the manufacturing of ships, such as naval ships, bulk carriers, tankers and LNG carriers, as well as in the provision of engineering and consulting services. The MES Group is also engaged in the wholesale, import and export of ships and marine equipment;

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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 196, 12.06.2019, p. 25.

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– for the Mitsui & Co Ltd: worldwide provision of logistics and financing of major international infrastructure developments in fields, such as, iron, steel, mineral and metal resources, and transportation systems;

– for the YZJ Group: active in the manufacturing of commercial ships, including container ships, bulk vessels and special vessels, as well as in financial investment and metal trading;

– for the JV: to be active in the shipbuilding of merchant ships, in particular, bulk carriers, oil tankers and LNG carriers, for the Chinese and worldwide markets.

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.