V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.11031 – HITACHI CONSTRUCTION MACHINERY / KIESEL / EAC)

Candidate case for simplified procedure

(Text with EEA relevance)

(2023/C 93/07)

1. On 6 March 2023, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]).

This notification concerns the following undertakings:

— Hitachi Construction Machinery Co., LtD. ('HCM', Japan),

— KTEG GmbH ('KTEG', Germany), belonging to the Kiesel Group (Germany), and

— EAC European Application Center GmbH ('EAC', Germany), a non-full function joint venture jointly controlled by HCM and KTEG.

HCM and KTEG will acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control of a full function joint venture, EAC.

The concentration is accomplished by way of purchase of assets.

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

— HCM is a Japanese company active globally in the production and distribiution 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 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. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

([1]) OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ([2]) it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

5. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.11031 – HITACHI CONSTRUCTION MACHINERY / KIESEL / EAC

Observations can be sent to the Commission by email or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Postal address:

European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
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([2]) OJ C 366, 14.12.2013, p. 5.