



EUROPEAN COMMISSION

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**PUBLIC VERSION**

Bain Capital Investors, LLC  
200 Clarendon Street  
02116 Boston, MA  
United States of America

**Subject: Case M.10374 — BAIN CAPITAL / HITACHI METALS  
Commission decision pursuant to Article 6(1)(b) of Council Regulation  
(EC) No 139/2004<sup>1</sup> and Article 57 of the Agreement on the European  
Economic Area<sup>2</sup>**

Dear Sir or Madam,

1. On 8 September 2021, the European Commission received a notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Bain Capital Investors, LLC ('Bain Capital', United States) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of Hitachi Metals, Ltd. ('Hitachi Metals', Japan). The concentration is accomplished by way of purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - for Bain Capital: private equity investment firm that invests in companies across a number of industries, including consumer retail and dining, financial and business services, healthcare, industrial, energy, technology, media, and telecommunications, at global level,
  - for Hitachi Metals: provision of metal products and materials, electronics and information components, and functional components, at a global level.

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<sup>1</sup> 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 (the '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.

<sup>2</sup> OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

<sup>3</sup> Publication in the Official Journal of the European Union No C 372, 16.9.2021, p. 15.

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 (c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.<sup>4</sup>
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*

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<sup>4</sup> OJ C 366, 14.12.2013, p. 5.