



Fair Competition  
For Greater Good

**COMPETITION COMMISSION OF INDIA**  
(Combination Registration No.C-2017/06/517)

28<sup>th</sup> June, 2017

**Notice under Section 6 (2) of the Competition Act, 2002 given by Deere & Company**

**Coram:**

**S.L. Bunker**

Member

**Sudhir Mital**

Member

**Augustine Peter**

Member

**U. C. Nahta**

Member

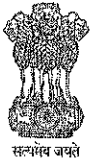
**G.P. Mittal**

Member

**Legal Representatives of the parties: Vinod Dhall & TT&A**

**Order under Section 31(1) of the Competition Act, 2002**

1. On 12<sup>th</sup> June, 2016, the Competition Commission of India (“**Commission**”) received a notice filed by Deere & Company (“**Deere**”) under sub-section (2) of Section 6 of the Competition Act, 2002 (“**Act**”).
2. The proposed combination entails acquisition by Deere from Wirtgen Group Holding GmbH (“**Wirtgen Holding**”) of all the shares and sole control in certain companies of Wirtgen Group (“**Wirtgen**”) and certain specified assets currently held by Wirtgen Holding (“**Proposed Combination**”). As a result of the Proposed Combination, Wirtgen will be wholly-owned and solely controlled by Deere.



सत्यमेव जयते



Fair Competition  
For Greater Good

3. The Proposed Combination has been filed pursuant to execution of a Share and Asset Sale and Purchase Agreement dated 31<sup>st</sup> May, 2017 entered into between Wirtgen Holding and Deere.
4. Deere is a US corporation that manufactures agricultural, construction, and forestry machinery, industrial diesel engines, drivetrains and certain other components and lawn care equipment.
5. In India, Deere operates through its subsidiary, John Deere India Private Limited which is active in production and sale of lubricants, oils, filters, coolants, lubrication equipments and accessories in India. In addition, Deere provides financing services for agricultural products through John Deere Financial India Private Limited.
6. Wirtgen, incorporated in Germany, is engaged in the construction equipment industry with a focus on (i) road technologies and (ii) mineral technologies. In India, it operates through Wirtgen India Private Limited ("**Wirtgen India**"). Wirtgen India is engaged in earthmoving equipment, roadbuilding maintenance and rehabilitation equipment and mining equipment markets. Wirtgen India is also engaged in provision of financial services through cooperation with financing institutions such as SREI Equipment Finance Limited for financing its customers.
7. The Commission noted that there is no horizontal overlap between the products/services offered by Deere and Wirtgen in India. The Commission further noted that, in India, there is no existing vertical relationship between the activities of the Deere and Wirtgen. Further, the potential vertical relationship between the activities of Deere and Wirtgen is not likely to give <sup>to</sup> rise <sub>to</sub> any competition concern.
8. Considering the facts on record and the details provided in the notice given under sub-section (2) of Section 6 of the Act and on basis of the assessment of the proposed combination, the Commission is of the opinion that the Proposed Combination is not likely to have appreciable adverse effect on competition in India and therefore, the Commission, hereby, approves the same under sub-section (1) of Section 31 of the Act.



Fair Competition  
For Greater Good

9. This order shall stand revoked if, at any time, the information provided by the Parties is found to be incorrect.
10. The information provided by the Parties is confidential at this stage in terms of and subject to provisions of Section 57 of the Act.
11. The Secretary is directed to communicate to the Parties accordingly.