

***Case No COMP/M.2250 -
DU PONT / AIR
PRODUCTS
CHEMICALS / JV***

Only the English text is available and authentic.

**REGULATION (EEC) No 4064/89
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 22/12/2000

*Also available in the CELEX database
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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.12.2000

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties:

Dear Sirs,

Subject: Case No. COMP/M.2250 – DuPont/ Air Products Chemicals / JV

Notification of 22.11.2000 pursuant to Article 4 of Council Regulation (EEC) No. 4064/89¹

Publication in the Official Journal of the European Communities No. C345, 2.12.2000, p.10

1. On 22.11.2000, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which the U.S. undertakings E.I. du Pont de Nemours and Company (“DuPont”) and Air Products Chemicals Inc. (“Air Products”) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of a newly created joint venture (“NanoMaterials”) by way of purchase of shares.
2. The business activities of the undertakings concerned are :
 - for DuPont: research, development, production, distribution and sales of chemical products, man-made fibres, plastics, agro-chemicals, paints, seed, pharmaceuticals and other materials.

¹ OJ L 395, 30.12.1989 p. 1; corrected version OJ L 257 of 21.9.1990, p. 13, as last amended by Regulation (EC) No 1310/97, OJ L 180, 9.7.1997, p. 1, corrigendum in OJ L 40, 13.2.1998, p. 17.

- for AirProducts: research, development, production and distribution of industrial and specialty gases, polymer and performance chemicals and various chemical intermediates.
 - for NanoMaterials: research, development, production and sales of colloidal silica-based formulated and unformulated slurries for electronic polishing or planarisation applications.
3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EEC) No. 4064/89 and of paragraph 4, subparagraphs a) and c), of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89².
 4. To the extent that restrictions specified by the parties are directly related and necessary to the implementation of the concentration, these restrictions are covered pursuant to Article 6(1)(b), second subparagraph, of Council Regulation (EEC) No. 4064/89.
 5. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EEC) No. 4064/89.

For the Commission,
(signed : Mario MONTI
Member of the Commission)

² OJ C 217, 29.07.2000, p. 32.