

***Case No COMP/M.5191 -
PERSTORP /
LYONDELLBASELL /
RHODIA
DIISOCYANATES
BUSINESSES***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 28/08/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28/8/2008

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PUBLIC VERSION

ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party:

Dear Sirs,

Subject: Case No COMP/M.5191 - PERSTORP/ LYONDELLBASELL/ RHODIA DIISOCYANATES BUSINESSES
Notification of 23/07/2008 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 198, date 5/8/2008, page 11

1. On 23 July 2008, the Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 by which the undertaking Perstorp Holding AB, ('Perstorp', Sweden) controlled by PAI partners S.A.S. (France) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the toluene diisocyanate business of LyondellBasell Industries ('the LyondellBasell business', the Netherlands) and the hexamethylene diisocyanate and isophorone diisocyanate businesses of Rhodia S.A. ('the Rhodia businesses', France) by way of purchase of shares and assets.

¹ OJ L 24, 29.1.2004, p. 1.

2. The business activities of the undertakings concerned are:
- for Perstorp: manufacture and supply of specialty chemicals,
 - for the LyondellBasell business: manufacture and supply of toluene diisocyanates,
 - for the Rhodia businesses: manufacture and supply of hexamethylene diisocyanates and isophorone diisocyanates.
3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No 139/2004 and of paragraph 5, subparagraph b of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004².
4. 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 (EC) No 139/2004.

For the Commission
(Signed)
Philip LOWE

² OJ C 56, 5.3.2005, p. 32.