

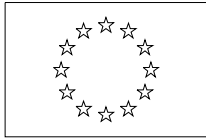
***Case No COMP/M.5856 - OCI/
CERTAIN FERTILIZER AND
RELATED BUSINESSES OF DSM***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 25/05/2010

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EUROPEAN COMMISSION

Brussels, 25.5.2010
SG-Greffe(2010) D/7243
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PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party:

Dear Madam(s) and/or Sir(s),

Subject: Case No COMP/M.5856 - OCI/ CERTAIN FERTILIZER AND RELATED BUSINESSES OF DSM

**Notification of 19.04.2010 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C108, 28.04.2010, p.06**

1. On 19.04.2010, the European Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004² by which the undertaking Orascom Construction Industries S.A.E. ("OCI", Egypt) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of parts of the undertaking Royal DSM N.V. ("DSM", the Netherlands)) consisting of its nitrogen-based fertilizers, ammonia and melamine businesses by way of purchase of shares and assets.

¹ 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 ("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.

² OJ L 24, 29.1.2004, p. 1 (the "Merger Regulation")

2. The business activities of the undertakings concerned are:
 - for undertaking OCI : construction and supply of fertilizers;
 - for undertaking DSM : development, manufacture and marketing of nutritional and pharmaceutical products, performance materials, polymer intermediates and base chemicals and materials.
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 139/20043.
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.

For the European Commission,
(*signed*)
Alexander ITALIANER
Director General

³ OJ C 56, 5.3.2005, p. 32.