

***Case No COMP/M.3241 -  
ARLA / NORDZUCKER /  
JV***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 30/09/2003

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30.09.2003

SG (2003) D/231997 / 231998

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying parties

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

**Subject: Case No. COMP/M.3241 – ARLA / NORDZUCKER / JV  
Notification of 01.09.2003 pursuant to Article 4 of Council Regulation (EEC)  
No. 4064/89<sup>1</sup>  
Publication in the Official Journal of the European Union No. C 214/4,  
09.09.2003**

1. On 01.09.2003, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No. 4064/89 by which by which the undertakings Arla Foods Ingredients amba ('AFI', Denmark) belonging to the Arla Foods amba group ('Arla', Denmark), and Nordzucker AG ('Nordzucker', Germany) acquire, within the meaning of Article 3(1)(b) of the Regulation, joint control of the undertaking Sweetgredients GmbH & Co. KG ('Sweetgredients', Germany) currently wholly-owned by Nordzucker by way of purchase of shares and other means, thereby constituting a joint venture.

The business activities of the undertakings concerned are:

- Arla: global supplier of dairy products,

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<sup>1</sup> 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.

- AFI: production and supply of whey protein concentrate, milk powder, cheese powder, lactose and milk proteins,
  - Nordzucker: production and supply of sugar and sweeteners,
  - Sweetgredients: production and supply of a new innovative sweetener product, D-tagatose, derived from by-products of cheese production.
2. 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, subparagraph a, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89<sup>2</sup>.
  3. 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

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<sup>2</sup> OJ C 217, 29.07.2000, p. 32.