

***Case No COMP/M.3468 -
DOW CHEMICALS / PIC
/ PLANET JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 28/06/2004

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

Brussels, 28/06/2004

SG-Greffe(2004) D/202533/4

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.3468 – DOW CHEMICALS / PIC / PLANET JV
Notification of 27.05.2004 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C 149 of
04.06.2004, page 3**

1. On 27.05.2004, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertakings Dow Chemical Company (“Dow”, U.S.) and Petrochemical Industries Company K.S.C. (“PIC”, Kuwait) belonging to Kuwait Petroleum Corporation (“KPC”, Kuwait) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Planet b.v. (the “Planet JV”), by way of contribution of assets and purchase of shares in a newly created company constituting a joint venture.
2. The business activities of the undertakings concerned are :
 - for undertaking Dow : plastics, chemicals, and energy;
 - for undertaking PIC: intermediate chemicals;

¹ OJ L 24, 29.1.2004 p. 1

- for undertaking KPC: energy;
 - for undertaking Planet JV: manufacture and sale of PET resins.
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 4, subparagraph (c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89².
 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

Stavros Dimas
Member of the Commission
signed

² OJ C 217, 29.07.2000, p. 32; Council Regulation (EEC) No 4064/89 has been replaced by Council Regulation (EC) No 139/2004.