

***Case No COMP/M.3839 -
ACCESS INDUSTRIES /
BASELL***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 04/07/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 04.07.2005

SG-Greffe(2005) D/202895

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

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

Subject: Case No. COMP/M.3839 – ACCESS INDUSTRIES / BASELL

Notification of 30.05.2005 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹

Publication in the Official Journal of the European Communities No. C 138 (07/06/05), page 11.

1. On 30.05.2005, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertaking AI International S.à.r.l. (Luxembourg) belonging to the Access Industries group (“Access Industries”, USA), acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Basell N.V (“Basell”, Netherlands) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Access Industries : group of holding companies with interests in the oil (including TNK-BP), coal, aluminium, power and telecommunication sectors;
 - for Basell : manufacture and sale of polyolefins (polyethylene and polypropylene) and related compounds, specialty products and catalysts and licensing of associated technologies.

¹ OJ L 24, 29.1.2004 p. 1.

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 c, 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)
Neelie KROES
Member of the Commission

² OJ C 56, 05.3.2005 p.32