

EN

*Case No COMP/M.4151*  
*– ORICA/ DYN0*

Only the English text is available and authentic.

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

---

Article 22 (3)  
Date: 27.03.2006



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27.03.2006

SG-Greffe(2006) D/201337

In the published version of this decision, some information has been omitted pursuant to Article 17(2) of Council Regulation (EC) No 139/2004 concerning non-disclosure of business secrets and other confidential information. The omissions are shown thus [...]. Where possible the information omitted has been replaced by ranges of figures or a general description.

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 22(3) DECISION

To the Norwegian Competition Authority

Dear Mr Eggum Johansen

**Subject: Case No COMP/M.4151 – Orica/ Dyno**  
**Request for referral by the Swedish Competition Authority to the Commission pursuant to Article 22(1) of the EC Merger Regulation**

Ref.: E-Mail message of the Norwegian Competition Authority of 22.03.2006

**INTRODUCTION**

Ref.: E-Mail message of the Norwegian Competition Authority of 22.03.2006

1. By letter of the Swedish Competition Authority received on 17.02.2006, the Kingdom of Sweden has requested the Commission to examine, in application of Article 22(3) of Council Regulation (EC) No 139/2004 (“the EC Merger Regulation”), the concentration whereby the Australian undertaking Orica Investments Pty Ltd proposes to acquire sole control of the undertaking Dyno Nobel Sweden AB (“Dyno Nobel Sweden”). This acquisition is part of a larger transaction whereby Orica Investments Pty Ltd, member of the Orica Ltd Group (“Orica” Australia), acquires sole control of all of the European, Middle Eastern, African, Asian and Latin American businesses of the undertaking Dyno Nobel Holding ASA (“Dyno Nobel”, Norway), except for Dyno Nobel's 50% interest in DetNet South Africa (pty) Ltd (South Africa) and DetNet International Ltd (Ireland) and Dyno Nobel's Mexican initiation systems production facility.
2. The proposed concentration was notified to the Swedish Competition Authority on 27.01.2006.
3. The Commission informed, in accordance with Article 22(2) of the EC Merger Regulation, the competent authorities of the other Member States on 20.02.2006 and, in accordance with Article 6(3) of Protocol 24 to the EEA Agreement, the EFTA Surveillance Authority on 01.03.2006 of the request made by the Swedish Competition Authority.

4. On 10.03.2006 the German Federal Cartel Office (*Bundeskartellamt*) informed the Commission that the Federal Republic of Germany joined the request made by the Kingdom of Sweden. On 22.03.2006 the Norwegian Competition Authority informed the Commission that the Kingdom of Norway joined the request made by the Kingdom of Sweden.
5. After examination of the request made by the Kingdom of Sweden, the Commission has concluded that the operation, by which Orica acquires sole control of the whole of the European, Middle Eastern, African, Asian and Latin American businesses of Dyno Nobel except for Dyno Nobel's 50% interest in DetNet South Africa (pty) Ltd (South Africa) and DetNet International Ltd (Ireland) and Dyno Nobel's Mexican initiation systems production facility, constitutes a concentration within the meaning of Article 3 of the EC Merger Regulation. The referral request made by the Kingdom of Sweden as well as the declarations by the Federal Republic of Germany and the Kingdom of Norway to join this request fulfil the requirements laid down in Article 22(2) and (3) of the EC Merger Regulation and Article 6(3) of Protocol 24 to the EEA Agreement. Furthermore, the operation fulfils the criteria laid down in point 45 of the Commission Notice on Case Referrals in respect of concentrations according to which it is a case most appropriate for referral to the Commission under Article 22 of the EC Merger Regulation.
6. The Commission has therefore decided to examine the concentration in accordance with the EC Merger Regulation. This decision is adopted in application of Article 22(3) of the EC Merger Regulation and Article 6(3) of Protocol 24 to the EEA Agreement.

For the Commission,  
(signed)  
Neelie KROES  
Member of the Commission