

***Case No COMP/M.4885 -
INEOS / NOVA / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 28/09/2007

***In electronic form on the EUR-Lex website under document
number 32007M4885***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28-09-2007

SG-Greffe(2007) D/205799

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.4885 - INEOS/ NOVA JV
Notification of 24.08.2007 pursuant to Article 4 of Council Regulation (EC) No.
139/2004¹
Publication in the Official Journal of the European Union No. C 205 dated
4/9/2007, page 28.**

1. On 24.08.2007, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Ineos (UK) and NOVA (Canada) acquire joint control within the meaning of Article 3(1)(b) of the Council Regulation by expanding its earlier established European JV² by (i) the combination of their respective North American styrene, polystyrene and specialty resins businesses through a new joint venture in North America (the "American JV"); and (ii) the transfer of NOVA's European styrene and specialty resins businesses to the European JV by way of transfer of assets.

¹ OJ L 24, 29.1.2004 p. 1

² The creation of the existing joint venture (the "European JV") was cleared by the Commission. See: Case No COMP/M.3578 BP / NOVA CHEMICALS / JV (01.07.05).

2. The business activities of the undertakings concerned are:
 - for INEOS: global manufacturer of petrochemicals, specialty chemicals and oil products;
 - for NOVA: chemical company active in olefins/polyolefins and styrenics;
 - for existing European JV: INEOS' and NOVA's polystyrene and expandable polystyrene businesses in Europe.
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. 139/2004³.
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 by L.Evans)
Philip LOWE
Director General

³ OJ C 56, 05.3.2005 p.32