

***Case No COMP/M.5002 -
WACKER CHEMIE /
WPS / APP***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 30/01/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30/01/2008

SG-Greffe(2008) D/200295

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party:

Dear Sir,

**Subject: Case No. COMP/M.5002 - Wacker Chemie/ WPS/ APP
Notification of 14 December 2007 pursuant to Article 4 of Council Regulation
(EC) No. 139/2004¹
Publication in the Official Journal of the European Union No. C 1 of 4 January
2008, p.4.**

1. On 14 December 2007, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertaking Wacker Chemie AG ('Wacker', Germany) controlled by the Dr. Alexander Wacker Familiengesellschaft mbH acquires within the meaning of Article 3(1)(b) of the Council Regulation sole control by way of purchase of shares of two companies, Wacker Polymer Systems GmbH & Co. KG ('WPS', Germany) and Air Products Polymers Holdings, L.P. ('APP', USA) each of which is currently jointly controlled by Wacker and Air Products and Chemicals, Inc. (USA).
2. The business activities of the undertakings concerned are:
 - Wacker: silicone and polymer chemicals, special and fine chemicals, semiconductor industry and silicon production.
 - WPS: production of powders based on vinyl acetate monomer.

¹ OJ L 24, 29.1.2004 p. 1

- APP: production of dispersions based on vinyl acetate monomer.
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 d 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)
Philip LOWE
Director General

2 OJ C 56, 05.3.2005 p.32