

***Case No COMP/M.6347 -
DOW/ UBE/ JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 21/09/2011

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EUROPEAN COMMISSION

Brussels, 21/09/2011
SG-Greffe(2011)
C(2011)6865

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

Subject: Case No COMP/M.6347- DOW/ UBE/ JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹

1. On 18/08/2011, the European Commission received a notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings The Dow Chemical Company ("Dow", USA) and Ube Advanced Materials Inc., belonging to the group Ube Industries, Ltd. (together referred to as "Ube", Japan) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of a newly created company constituting a joint venture ("the JV", USA).
2. The business activities of the undertakings concerned are:
 - for Dow: supply of plastics, chemicals, agricultural products, as well as hydrocarbon and energy products and services.
 - for Ube: supply of specialty chemicals, other chemicals, plastics, cement, construction materials, machinery, metal products, as well as coal storage solutions.
 - for the JV: production and sale of electrolytes for lithium-ion batteries.
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(a) of

¹ OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

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 European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the Commission
(signed)
Alexander ITALIANER
Director General

² OJ C 56, 5.3.2005, p. 32.