

***Case No COMP/M.6391 -  
DOW/ MITSUI/ BRAZILIAN  
POLYETHYLENE JV***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 27/10/2011

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EUROPEAN COMMISSION

Brussels, 27.10.2011  
C(2011) 7920

SIMPLIFIED MERGER  
PROCEDURE

PUBLIC VERSION

**To the notifying parties:**

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

**Subject: Case No COMP/M.6391 - DOW/ MITSUI/ BRAZILIAN POLYETHYLENE  
JV  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No  
139/2004<sup>1</sup>**

1. On 23 September 2011, the European Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings The Dow Chemical Company ("Dow", USA) and Mitsui & Co., Ltd ("Mitsui", Japan) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Santa Vitória Açúcar e Álcool Ltda ("Santa Vitória", Brazil) by way of purchase of shares.

The business activities of the undertakings concerned are:

— for Dow: active in the production of plastics and chemicals, agriculture sciences, hydrocarbon and energy products and services,

— for Mitsui: trading house engaged in business areas such as iron and steel, non-ferrous metals, electronics, chemicals, energy-related commodities, motor vehicle and motorcycle parts and accessories,

— for Santa Vitória: production of polyethylene with back-integration into ethylene, (bio-) ethanol and sugarcane<sup>2</sup>.

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<sup>1</sup> 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.

2. 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 the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>3</sup>.
3. 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*

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<sup>2</sup> OJ C 292, 5.10.2011, p. 9.

<sup>3</sup> OJ C 56, 5.3.2005, p. 32.