

EN

***Case No COMP/M.6528 -
DOW EUROPE / AKSA
AKRILIK / AKSA
KARBON / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 06/06/2012

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EUROPEAN COMMISSION

Brussels, 6.6.2012
C(2012)3856

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

**Subject: Case No COMP/M.6528 - DOW EUROPE / AKSA AKRILIK / AKSA
KARBON / JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹**

1. On 26 April 2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Dow Europe Holding B.V ("Dow Europe", the Netherlands), ultimately controlled by The Dow Chemical Company ("Dow", United States), and Akxa Akrilik Kimya Sanayii A.S. ("Akxa Akrilik", Turkey), ultimately controlled by Akkök Sanayi Yatirim ve Gelistirme A.S. ("Akkök", Turkey) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Akxa Karbon Elyaf Sanayi Anonim • irketi ("Akxa Karbon", Turkey), by way of purchase of shares².
2. The business activities of the undertakings concerned are:
 - for Dow: plastics and chemicals, agricultural sciences, hydrocarbon and energy products and services;

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.

² Publication in the Official Journal of the European Union No C 131, 05.05.2012, p. 4.

- for Akkök: organic, inorganic and performance chemicals; acrylic, technical and carbon fibers; generation and production of electricity; production and dyeing of textile yarn; real estate construction and management; and port management; and
 - for Aksa Karbon: manufacture of polyacrylonitrile ("PAN")-based carbon fibers, carbon fiber intermediates and carbon fiber composites, primarily used in wind energy, transportation, automotive, infrastructure, overhead electricity transmission, and offshore oil and gas applications.
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(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 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

³ OJ C 56, 5.3.2005, p. 32.