

Case No COMP/M.6950 - UPC/ GPT/ JV

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

Article 6(1)(b) NON-OPPOSITION
Date: 16/09/2013

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EUROPEAN COMMISSION

Brussels, 16/09/2013
C(2013) 5976 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party:

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

**Subject: Case No COMP/M.6950 - UPC/ GPT/ JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004¹**

1. On 14.08.2013, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Joint Stock Company United Petrochemical Company ("UPC", Russia) and Grupo Petrotemex S.A. de C.V. ("GPT", Mexico) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of a newly created joint venture (the "JV", Netherlands), by way of purchase of shares. The business activities of the undertakings concerned are:
 - for UPC: petrochemical and gas processing activities via the companies it holds in Russia, as well as research and analysis for investment opportunities in petrochemical business,
 - for GPT: manufacturing and sale of polyester chains mainly in the Americas (in particular terephthalic acid, polyethylene terephthalate resin, polyester staple fibre) for use among others in food / personal care packaging and textile, as the holding company of petrochemical manufacturing companies,
 - for the JV: manufacturing and sale of polyester chains (in particular polyethylene terephthalate resin) in the CIS, the EEA and other neighbouring countries.

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. 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 139/2004².
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

² OJ C 56, 5.3.2005, p. 32.