



EUROPEAN COMMISSION
DG Competition

*Case M.7943 - DOW /
DCC*

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 20/04/2016

*In electronic form on the EUR-Lex website under document
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EUROPEAN COMMISSION

Brussels, 20.4.2016
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PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party:

Dear Sirs,

**Subject: Case M.7943 - DOW / DCC
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

1. On 23 March 2016, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking The Dow Chemical Company ("Dow", USA) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Dow Corning Corporation ("DCC", USA), currently controlled equally by Dow and by Corning Inc. ("Corning", USA) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for Dow: diversified chemicals with primary activities in agricultural sciences, performance plastics and chemicals, and hydrocarbon and energy products and services. Dow currently holds 50% of the shares of DCC;

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 OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

³ Publication in the Official Journal of the European Union No C 117, 2.4.2016, p. 11.

- for DCC: silicone-based technology and innovation with primary activities in development and production of polymers and other materials based on silicone chemistry. DCC is currently a 50/50 joint venture between Dow and Corning.
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(d) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴
 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 and Article 57 of the EEA Agreement.

For the Commission

(signed)
Johannes LAITENBERGER
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.