EUROPEAN COMMISSION

Brussels, 26.10.2017
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PUBLIC VERSION

To the notifying parties:

Subject: **Case M.8514 – EVONIK / DSM / JV**
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004[1] and Article 57 of the Agreement on the European Economic Area[2]

Dear Sir or Madam,

1. On 22 September 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Evonik Industries AG (Evonik) of Germany, controlled by RAG Stiftung, and Koninklijke DSM N.V. (DSM), of the Netherlands, acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of the JV.[3]

2. The business activities of the undertakings concerned are:

   – for Evonik: production and marketing of speciality chemicals,

   – for DSM: chemicals company active in nutrition, performance materials and emerging business,

   – for the JV: manufacturing and sales of a product intended to provide an alternative for other sources of Omega-3 fatty acids for the production of animal nutrition.

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

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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 331, 03.10.2017, p. 6.

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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.