EUROPEAN COMMISSION

Brussels, 17.2.2020
C(2020) 987 final

PUBLIC VERSION

To the notifying party

Subject: **Case M.9723 – SHOWA DENKO K.K. / HITACHI CHEMICAL COMPANY**
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 24 January 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Showa Denko K.K. ("SDK", Japan) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control over the whole of the undertaking Hitachi Chemical Company, Ltd ("Hitachi Chemical", Japan) by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – SDK is active primarily in Eastern Asian countries in the production and sale of petrochemicals, chemicals, electronics, inorganics, aluminum and construction materials;

   – Hitachi Chemical is active primarily in Eastern Asian countries in the product and sale of functional materials and advanced components and systems.

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 139/2004.[4]

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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 35, 03.02.2020, p. 4.

4 OJ C 366, 14.12.2013, p. 5.

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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)
Olivier GUERSENT
Director-General