Prior notification of a concentration

(Case M.8435 — FMC/DuPont Divestment Business)

(Text with EEA relevance)

(2017/C 194/11)

1. On 8 June 2017, the Commission received notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 [1] by which the undertaking FMC Corporation ('FMC', USA) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of parts of the undertaking E.I. du Pont de Nemours and Company ('DuPont', USA) (the 'Divestment Business').

This proposed concentration is part of an asset purchase and sale agreement, entered into between DuPont and FMC on 31 March 2017, that provides for the acquisition by FMC of certain DuPont activities, pursuant to the divestment commitments entered into by The Dow Chemical Company ('Dow') and DuPont as part of the merger control proceedings relating to the proposed merger of Dow and DuPont (Case M.7932 Dow/DuPont).

2. The business activities of the undertakings concerned are:

— for FMC: global specialty chemicals company with interests in agricultural, industrial and consumer markets,

— for the Divestment Business: the majority of DuPont's global insecticide and herbicide activities, as well as the crop protection R&D activities of DuPont. It also includes an exclusive licence for the supply of straight picoxystrobin, a fungicide AI, to be used for the formulation of straight or mixture formulated products for rice applications in the EEA.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by email to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference M.8435 — FMC/DuPont Divestment Business, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

[1] OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').