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PUBLIC VERSION

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Subject: **Case M.11187 - MITSUI / CELANESE / NUTRINOVA 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 27 July 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which the undertakings Mitsui & Co, Ltd., ('Mitsui', Japan), and Celanese Corporation ('Celanese', United States) intend to acquire, within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation, joint control of the whole of Celanese's food ingredients business, through Nutrinova Netherlands BV ('Nutrinova JV', Netherlands). Nutrinova JV a holding company currently under the sole control of Celanese. The concentration is to be accomplished by way of purchase of shares.[3]

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 C285, 14.08.2023, p. 18.

2. The business activities of the undertakings concerned are the following:

- Mitsui is a trading, business management and project development company active in various sectors, including basic chemicals, performance chemicals, and food resources,

- Celanese is a global producer of high-performance engineered polymers that are used in a variety of high-value applications, as well as acetyl products, which are used as intermediate chemicals for major industries. Celanese's food ingredients business, that will be contributed to Nutrinova JV, concerns the production and supply of the sweetener acesulfame potassium ("Ace-K"), the preservatives potassium sorbate and sorbic acid, and ammonium sulphate, which is used as a fertiliser and for insulation production.

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]

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

4 OJ C 366, 14.12.2013, p. 5.