EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

Subject: **Case M.9605 – DAK AMERICAS / LOTTE CHEMICAL UK**
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 4 November 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking DAK Americas Exterior, S.L. ('DAK Americas', Spain), ultimately controlled by ALFA, S.A.B. de C.V. ('ALFA Group', Mexico), acquires within the meaning of Article 3(1)(b) of the Merger Regulation control over the whole of the undertaking Lotte Chemical UK Limited ('Lotte UK', United Kingdom) by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – DAK Americas is part of the ALFA Group, an industrial conglomerate headquartered in Mexico, active in a range of areas including polyester, plastics and chemicals, aluminium auto components, refrigerated foods, and IT & telecoms,

   – Lotte UK is active in the manufacture of polyethylene terephthalate (PET) resin.

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 382, 11.11.2019, p. 25.

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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)
Cecilio MADERO VILLAREJO
Acting Director-General

4 OJ C 366, 14.12.2013, p. 5.