

Prior notification of a concentration
(Case COMP/M.5534 — Access/PCH/LBI)
Candidate case for simplified procedure
(Text with EEA relevance)
(2009/C 117/05)

1. On 11 May 2009, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which Access industries group ('Access', The United States) and ProChemie Holding Limited ('PCH', Jersey) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of LyondellBasell Industries AF S.C.A.; ('LBI', Luxembourg) by way of purchase of shares in a newly created company constituting a joint venture.
2. The business activities of the undertakings concerned are:
 - for Access: oil, petrochemicals, coal, aluminium, power and real estates,
 - for PCH: (i) arms systems, defense and security products, (ii) manufacture and supply of lawn mowers, garden tools and lawn care products and (iii) operation and of trade in executive aircrafts,
 - for LBI: manufacturer and supplier of polymers, fuels and chemicals.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.
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 2 2964301 or 2967244) or by post, under reference number COMP/M.5534 — Access/PCH/LBI, to the following address:

European Commission
Directorate-General for Competition
Merger Registry
J-70
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

⁽²⁾ OJ C 56, 5.3.2005, p. 32.