

Prior notification of a concentration**(M.8440 — DuPont/FMC (Health and Nutrition business))****(Text with EEA relevance)**

(2017/C 189/16)

1. On 7 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 E.I. du Pont de Nemours and Company ('DuPont', US), acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control over the Health and Nutrition ('H&N') business of FMC Corporation ('FMC', US) comprising food texturants and pharmaceutical excipients (but excluding FMC's Omega-3 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 that were entered into by DuPont and The Dow Chemical Company ('Dow') as part of the European merger control proceedings related to the proposed merger of Dow and DuPont (Case M.7932).

2. The business activities of the undertakings concerned are:

- DuPont is a diversified chemicals company headquartered in the US. It is the ultimate parent company of the DuPont group, which researches, develops, produces, distributes, and sells a variety of chemical products, polymers, agro-chemicals, seeds, food ingredients, and other materials. DuPont's Nutrition and Health business manufactures and supplies products specifically designed to improve the safety, nutritional quality, texture, and shelf-life of food and beverage products, pharmaceuticals, and dietary supplements,
- Dow is a diversified chemicals company headquartered in the US. It is the ultimate parent company of the Dow group, which is active in plastics and chemicals, agricultural sciences, and hydrocarbon and energy products and services. Dow has a more limited presence in the area of Nutrition and Health,
- FMC is a US-headquartered global specialty chemicals company with interests in agricultural, industrial and consumer markets. The business is divided into three segments: (i) Agricultural Solutions; (ii) H&N; and (iii) Lithium. FMC's H&N business consists of three broad product areas – Nutritional Ingredients, Health Excipients, and Functional Health Ingredients.

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.8440 — DuPont/FMC (Health and Nutrition 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').