

***Case No COMP/M.5459 -
ALCOA / ELKEM***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 02/03/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 02.03.2009
SG-Greffe(2009) D/1283
C(2009)1550

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party

Dear Madam(s) and/or Sir(s),

**Subject: Case No COMP/M.5459 – Alcoa / Elkem
Notification of 29 January 2009 pursuant to Article 4 of Council Regulation
(EC) No 139/2004¹
Publication in the Official Journal of the European Union No C 30, 06/02/2009,
p.26**

1. On 29 January 2009, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Alcoa Inc. ("Alcoa", United States) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Elkem Aluminium ANS ("Elkem Aluminium", Norway) by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Alcoa : aluminium industry, including the production, sale and marketing of primary aluminium
 - for Elkem Aluminium: production, sale and marketing of primary aluminium

¹ OJ L 24, 29.1.2004, p. 1.

3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No 139/2004 and of paragraph 5(d) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004².
4. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EC) No 139/2004.

For the Commission

signed

Philip LOWE
Director General

² OJ C 56, 05.3.2005, p. 32.