

***Case No COMP/M.5744 -  
TORAY/ TCC/ JV***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 26/01/2010

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EUROPEAN COMMISSION

Brussels, 26.1.2010  
SG-Greffe(2010) D/581/582/583  
C(2010)543

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the notifying parties:**

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

**Subject: Case No COMP/M.5744 – TORAY/ TCC/ JV  
Notification of 15.12.2009 pursuant to Article 4 of Council Regulation (EC) No  
139/2004<sup>1</sup>  
Publication in the Official Journal of the European Union No C 320,  
24.12.2009, p.22**

1. On 15.12.2009, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which Toray Industries Inc. ("Toray", Japan) and Tonen Chemical Corporation ("TCC", Japan) [controlled by Exxon Mobil Corporation] acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of Tonen Specialty Separator Godo Kaisha ("TKGK", Japan) by way of purchase of shares.
2. The business activities of the undertakings concerned are :
  - for Toray: fibres and textiles; plastics and films; carbon fibres and carbon fibre composite materials; materials for electronic circuits and semi-conductors; water treatment membranes; and pharmaceutical and life sciences;
  - for TCC: basic petrochemicals as well as petrochemical-based specialty chemicals, including solvents and adhesives;
  - for TKGK: research, development, manufacture and marketing of separator film for lithium ion ("li-ion") batteries.

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<sup>1</sup> OJ L 24, 29.1.2004, p. 1 (the "EC Merger Regulation").

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(b) and 5(a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>2</sup>.
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 the Council Regulation (EC) No 139/2004.

For the Commission  
(signed)  
Philip LOWE  
Director General

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<sup>2</sup> OJ C 56, 05.3.2005, p. 32 ("Notice on a simplified procedure").