

The JFTC Opens Secondary Review Concerning a Proposed Merger between Furukawa-Sky Aluminum Corp. and Sumitomo Light Metal Industries, Ltd. and Solicits Comments from Third Parties

September 28, 2012
Japan Fair Trade Commission

The Japan Fair Trade Commission (JFTC) received a notification pursuant to the provision of the Antimonopoly Act (AMA) from Furukawa-Sky Aluminum Corp. (FSA) and Sumitomo Light Metal Industries, Ltd. (SLM) concerning a proposed merger, and has reviewed the possible impacts of the proposed merger on competition. With the knowledge that a more detailed review is necessary, the JFTC has requested FSA and SLM to submit further reports, information or materials, pursuant to the provision of Article 10(9) of the AMA as applied mutatis mutandis pursuant to Article 15(3) of the AMA. The JFTC is also soliciting comments from third parties concerning the possible impacts of the proposed merger on competition as described below.

The request by the JFTC for reports, etc. concerning the proposed merger does not mean that the proposed merger could pose any concerns with respect to the AMA.

1. Submission of comments

Comments on the proposed merger are being received until October 29, 2012. Specific descriptions on how the proposed merger could impact on competition would be appreciated.

(1) Procedures for submission:

Please identify your name, affiliation, address and contact information (e-mail address, facsimile number and telephone number), and send your comment by mail, e-mail or facsimile.

(2) Submission address:

Mergers and Acquisitions Division, Economic Affairs Bureau,
Japan Fair Trade Commission
1-1-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8987
FAX: +81-3-3581-5771
E-mail: fsa-slm@jftc.go.jp

2. Privacy policy

Comments received would be used only for the review of the proposed merger, and would not be disclosed to others including the parties in the form of containing any identifiable information. Please note that the JFTC will not make individual responses to the comments.

The JFTC asks for your identification and contact information, for communication purpose where any clarifications may be needed on your comment. The information provided will not be used for any other purposes.

(Reference)

Major competing products between FSA and LSM (including their subsidiaries and affiliates. With respect to FSA, its parent company, Furukawa Electric Co., Ltd. will be also included.) are:

- Rolled aluminum products (sheet products, extruded products, foil products)
- Copper products (tube products)

(Foot Note)

The JFTC has been authorized to conduct reviews on whether business combination plans may be substantially to restrain competition in particular fields of trade, by following procedures prescribed in the AMA. When a notifying corporation submits the notification form to the JFTC and the JFTC receives it, the notifying corporation is prohibited from effecting share acquisition, etc. in question until the expiration of the 30-day waiting period from the date of receipt of the said notification. During the waiting period, concerning the business combination in question, the JFTC will normally either; (1) judge that the said business combination is not problematic in light of the AMA, or; (2) judge that more detailed review is necessary and request submission of the necessary reports, information or materials.

In the case of (1) above, to improve transparency of the review of business combination, the JFTC shall give notification to the effect that it will not issue a cease and desist order.

In the case of (2) above, the period when the JFTC may give notice prior to cease and desist order shall be extended until 120 days after the date of receipt of the notification or 90 days after the date of receipt of all reports etc., whichever is later. In case the JFTC judges in this extended period that the business combination plan in question is not problematic in light of the AMA, it shall give notification to the effect that it will not issue a cease and desist order, same as the case of (1).