

***Case No COMP/M.4167 -
MITSUI/VOPAK***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 14/06/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.06.2006
SG (2006) D/203088/203089

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties

Dear Madams and Sirs,

Subject: Case No. COMP/M.4167 – Mitsui/ Vopak

Notification of 05.05.2006 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹

Publication in the Official Journal of the European Union No. C 113, 13/05/2006, p18.

1. On 05.05.2006 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertakings Mitsui & Co (“Mitsui, USA”) and Konklijke Vopak N.V. (“Vopak”, the Netherlands) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the whole of the undertaking Vopak ITC (“Vopak ITC”, USA) by way of contribution of assets in a newly created company, constituting a joint venture.
2. The business activities of the undertakings concerned are:
 - for Mitsui: trading in commodities, including, inter alia, power and energy-related products; iron and steel;
 - for Vopak: operation of tank terminals for the storage of crude oil, petroleum products, chemicals, LPG and vegetable oils; the inland waterway transportation of these products and the provision of related services;

¹ OJ L 24, 29.1.2004 p. 1

- for Vopak ITC: provision of storage facilities and related services in North America for chemicals, petrochemicals, LPG, petroleum products as well as pipeline and other distribution systems.
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, subparagraphs a) and b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) 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