

EN

***Case No COMP/M.6667 -
MARQUARD & BAHLIS /
LINDE / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 22/08/2012

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EUROPEAN COMMISSION

Brussels, 22/08/2012
C(2012)5974

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

**Subject: Case No COMP/M.6667 - MARQUARD & BAHLS/ LINDE/ JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 26/07/2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Marquard and Bahls AG ("M&B", Germany) and Linde AG ("Linde", Germany) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over a newly created full-function joint venture ("JV", Germany), by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for Linde: supply of industrial and medical gases, equipment, engineering and services;
 - for M&B: oil trading, tank-terminal storage, aviation fuelling services and renewable energy;

¹ OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

- for the JV: will be active in bulk supply of liquid natural gas as ship fuel (LNG bunkering) in the European Sulphur Emission Control Area (the Baltic Sea, the North Sea, the English Channel and connected inland waterways).²
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004³.
 4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the Commission
Signed
Alexander ITALIANER
Director General

² Publication in the Official Journal of the European Union No C 232, 03/08/2012, p.13

³ OJ C 56, 5.3.2005, p. 32.