



EUROPEAN COMMISSION
DG Competition

Case M.8484 - GASUNIE / VOPAK / OILTANKING / JV

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 06/07/2017

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EUROPEAN COMMISSION

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PUBLIC VERSION

To the Notifying Parties

**Subject: Case M.8484 - GASUNIE / VOPAK / OILTANKING / JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

Dear Sir or Madam,

1. On 14 June 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which which the undertakings Gasunie LNG Holding B.V, a subsidiary of N.V. Nederlandse Gasunie ('Gasunie', of the Netherlands), Vopak LNG Holding B.V., a subsidiary of Koninlijke Vopak N.V. ('Vopak', of the Netherlands), and Oiltanking GmbH ('Oiltanking' of Germany), a subsidiary of Marquard & Bahls AG ('M&B') acquire within the meaning of Article 3(4) of the Merger Regulation joint control over a newly created company (the "Joint Venture") constituting a joint venture by way of a purchase of shares.³

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.

² OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

³ Publication in the Official Journal of the European Union No C 200, 23.6.2017, p. 27.

2. The business activities of the undertakings concerned are:
 - Gasunie: European gas infrastructure company owning and operating the Dutch transmission system operator and a liquefied natural gas ('LNG') terminal in the Netherlands;
 - Vopak: an independent tank storage provider, operating two LNG import terminals in the Netherlands and in Mexico;
 - Oiltanking: independent storage services provider for petroleum products, chemical gases and dry bulk. M&B is otherwise not active in LNG-related markets;
 - the Joint Venture: will own and operate an LNG terminal in the North of Germany.
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(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴
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 and Article 57 of the EEA Agreement.

For the Commission

(Signed)

Johannes LAITENBERGER
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.