



EUROPEAN COMMISSION

Competition DG

Policy and Strategy

Antitrust and Mergers – Policy and Scrutiny

OPINION

of the ADVISORY COMMITTEE on MERGERS

given at its meeting of 2 October 2008

regarding a draft decision relating to

CASE COMP/M.4919 - StatoilHydro/ ConocoPhillips

Rapporteur : LITHUANIA

1. The Advisory Committee agrees with the Commission that the notified operation constitutes a concentration within the meaning of the Council Regulation No 139/2004.
2. The Advisory Committee agrees with the Commission that the competitive assessment only focus on the markets for retail sales of motor fuels (at the downstream level).
3. The Advisory Committee agrees with the Commission's definitions of the relevant markets of:
 - a) retail sales of motor fuels in Sweden;
 - b) retail sales of motor fuels in Norway;
 - c) retail sales of motor fuels in Denmark.
4. The Advisory Committee agrees with the Commission's conclusion that the notified operation does not raise any competition concerns as regards the Danish market for retail sales of motor fuels.
5. The Advisory Committee agrees with the Commission's conclusion that the removal of Jet Sweden as an independent competitor and its merger with the largest operator in Sweden raises serious doubts about the notified operation's compatibility with the common market.
6. The Advisory Committee agrees with the Commission's conclusion that the removal of Jet Norway as an independent competitor would impede competition in a context of high barriers to entry and raises serious doubts about the notified operation's compatibility with the common market and the EEA agreement.
7. The Advisory Committee agrees with the Commission that the proposed remedies will remove the Commission's serious doubts concerning competition in Swedish market for retail sales of motor fuels.
8. The Advisory Committee agrees with the Commission that the proposed remedies will remove the Commission's serious doubts concerning competition in Norwegian market for retail sales of motor fuels.

9. The Advisory Committee agrees with the Commission that, subject to the full compliance with the commitments submitted by the notifying party, the notified concentration should be declared compatible with the Common market and with the EEA Agreement in accordance with Article 8(2) of Council Regulation (EC) No 139/2004 and Article 57 of the EEA Agreement.

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