

***Case No COMP/M.4233 -  
BP FRANCE / VITOGAZ  
/ ENERGAZ JV***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 10/07/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10/07/2006

SG-Greffe(2006) D/203912 / 203913

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties:

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

**Subject: Case No. COMP/M.4233 - BP France/Vitogaz/Energaz JV  
Notification of 07/06/2006 pursuant to Article 4 of Council Regulation (EC) No. 139/2004<sup>1</sup>  
Publication in the Official Journal of the European Union No. C 142,  
17/06/2006, page 4.**

1. On 07.06.2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings BP France S.A. belonging to the group BP plc ( "BP", UK) and Vitogaz S.A. ("Vitogaz", France) belonging to the Rubis group ("Rubis", France) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Energaz ("Energaz", France), by way of purchase of shares in a newly created company constituting a joint venture.
2. The business activities of the undertakings concerned are :
  - for BP : exploration, production and marketing of crude oil and natural gas, oil refining, marketing and transportation, gas, power and renewables;

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<sup>1</sup> OJ L 24, 29.1.2004 p. 1

- for Rubis: storage of liquid products, distribution of Liquid Propane Gas (LPG);
  - for Vitogaz : distributor of butane, propane and autogas;
  - for Energaz: retail supply of LPG in cylinders in France.
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, subparagraph (a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004<sup>2</sup>.
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

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<sup>2</sup> OJ C 56, 05.3.2005 p.32