

***Case No COMP/M.5182 -  
SHELL / BP / AFS /  
GLOBEFUEL***

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: 11/07/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11-VII-2008  
SG-Greffe(2008) D/204488/204489/204490  
C(2008) 3722

PUBLIC VERSION

SIMPLIFIED PROCEDURE

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

**To the notifying parties**

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

**Subject: Case No. COMP/M.5182 – Shell/ BP/ AFS/ GlobeFuel  
Notification of 07/05/2007 pursuant to Article 4 of Council Regulation (EC) No.  
139/2004<sup>1</sup>  
Publication in the Official Journal of the European Union No. C155,  
20.06.2008, p.32**

1. On 10/06/2008, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertakings Shell Deutschland Oil GmbH ("SDO", Germany), belonging to the Shell group ("Shell", United Kingdom), Deutsche BP AG ("Deutsch BP", Germany) belonging to the BP group ("BP", United Kingdom) and AFS Aviation Fuel Services GmbH ("AFS", Germany), ultimately jointly controlled by BP and the Lufthansa group, ("Lufthansa", Germany) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking GlobeFuel Systems & Services GmbH (GlobeFuel", Germany) by way of purchase of shares.
2. The business activities of the undertakings concerned:
  - for SDO: active in the exploration, production and sale of oil and natural gas as well as production and sale of oil products and chemicals;

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

- for Deutsche BP: active in the exploration, development and production of oil and gas as well as refining, manufacturing and marketing of oil products and petrochemicals;
  - for AFS: provider of into-plane services, i.e. aircraft refuelling services and active in the construction of fuel depots, development and advisory services in the field of refuelling vehicle construction, and transport logistics;
  - For GlobeFuel: provider of integrated IT solutions for into-plane services.
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