

***Case No COMP/M.5694 -
DCC ENERGY/ SHELL
DIRECT AUSTRIA***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 15/12/2009

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EUROPEAN COMMISSION

Brussels, 15/12/2009
SG-Greffe(2009) D/11466
C(2009)10408

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party:

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

**Subject: Case No COMP/M.5694 – DCC ENERGY/ SHELL DIRECT AUSTRIA
Notification of 17/11/2009 pursuant to Article 4 of Council Regulation (EC) No
139/2004¹
Publication in the Official Journal of the European Union No C 283 of
24/11/2009, p. 26.**

1. On 17/11/2009, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which DCC Energy Ltd (DCC, Ireland) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of Shell Direct Austria G.m.b.H. (SDA, Austria), controlled by Royal Dutch Shell plc., by way of purchase of shares.
2. The business activities of the undertakings concerned are:
 - for DCC: (i) distribution of heating oils, transport fuels and fuel oil, (ii) sale, marketing and distribution of Liquefied Petroleum Gas (LPG), (iii) sale and marketing of branded fuel cards;
 - for SDA: (i) delivery of domestic heating oil, (ii) sale, marketing, and distribution of fuel products.

¹ OJ L 24, 29.1.2004, p. 1.

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 (b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004².
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

² OJ C 56, 05.3.2005, p. 32.