

***Case No COMP/M.5888 -  
DELEK EUROPE/ BP  
FRANCE RETAIL***

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: 18/08/2010

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EUROPEAN COMMISSION

Brussels, 18.8.2010  
SG-Greffe(2010) D/12729  
C(2010) 5836

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

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

**Subject: Case No COMP/M.5888 - DELEK EUROPE/ BP FRANCE RETAIL  
Notification of 20.07.2010 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 205,  
29.07.2010, p.16**

1. On 20.07.2010, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Delek Group ("Delek", Israel) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of part of BP France's retail fuels business<sup>2</sup> and joint control of Dépôt Pétrolier de Lyon (France) (jointly "BP France Retail") by way of purchase of shares (the "proposed transaction"). Within the proposed transaction Delek also acquires all the shares that BP France holds in Dépôt Pétrolier de la Corse (France) (21.50%).

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<sup>1</sup> 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.

<sup>2</sup> BP France Retail operates gas stations comprising retail sale of motor fuels, associated convenience retail business at the service stations and selected storage terminals. Its retail fuels business includes the key assets relating to the retail fuels business.

2. The business activities of the undertakings concerned are:
  - Delek: active in fuel products, infrastructure, biochemical, energy, automotive, media, finance and wealth management sectors;
  - BP France Retail: active on the French market for the retail sale of motor fuels, associated convenience retail business at the service stations and selected storage terminals.
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(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>3</sup>.
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.

For the European Commission,  
(Signed)  
Alexander ITALIANER  
Director General

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<sup>3</sup> OJ C 56, 5.3.2005, p. 32 ("Notice on a simplified procedure").